



GEORGE H. RYAN  
Secretary of State

# ILLINOIS REGISTER

## Rules of Governmental Agencies

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## INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1001 et seq., as amended).

## REGISTER PUBLICATION SCHEDULE 1991

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991	June 25, 1991	July 2, 1991	28	July 12, 1991
Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991	July 2, 1991	July 9, 1991	29	July 19, 1991
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May 14, 1991	May 21, 1991	22	May 31, 1991	Nov. 19, 1991	Nov. 26, 1991	49	Dec. 6, 1991
May 21, 1991	May 28, 1991	23	June 7, 1991	Nov. 26, 1991	Dec. 3, 1991	50	Dec. 13, 1991
May 28, 1991	June 4, 1991	24	June 14, 1991	Dec. 3, 1991	Dec. 10, 1991	51	Dec. 20, 1991
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June 18, 1991	June 25, 1991	27	July 5, 1991	Dec. 24, 1991	Dec. 31, 1991	2	Jan. 10, 1992

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: Loan Agreements Providing for a Bank to Share in Profits, Income or Earnings
- 2) Code Citation: 38 Ill. Adm. Code 350
- 3) Section Numbers: Proposed Action:  
350.01 New Section
- 4) Statutory Authority: Implementing Section 3 and authorized by Section 48(6) of the Illinois Banking Act (Ill. Rev. Stat. 1989, ch. 17, pars. 309, and 359(6)).
- 5) A Complete Description of the Subjects and Issues Involved: This amendment adds a new Section which allows a state bank to engage in a lending transaction in which the bank receives a share of profits, income or earnings from a business.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date?  
Yes      No           X
- 8) Does this proposed rule contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objective: The proposed rule does not create a mandate on units of local government, school districts or community college districts. Only state banks are subject to this proposed rule.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons who desire to comment on this proposed rulemaking may submit their comments in writing no later than 45 days after the publication of this Notice to:

William L. Conaghan or Mary E. Schroeder  
 Commissioner of Banks and Trust Companies  
 310 South Michigan Avenue, Suite 2130  
 Chicago, Illinois 60604

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis?  
 A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: The Department of Commerce and Community Affairs has determined that state banks are not small businesses. Therefore, the proposed rule was not submitted to the Business Assistance Office.  
 B) Types of small businesses affected: Small businesses are not affected by this rule.  
 C) Reporting, bookkeeping or other procedures required for compliance: N/A  
 D) Types of professional skills necessary for compliance: N/A

The full text of the Proposed Amendment begins on the next page:



## COMMISSIONER OF BANKS AND TRUST COMPANIES

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED AMENDMENT

## NOTICE OF PROPOSED AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER II: COMMISSIONER OF BANKS AND TRUST COMPANIESPART 350  
LOAN AGREEMENTS PROVIDING FOR A BANK TO SHARE IN  
PROFITS, INCOME OR EARNINGS

## SUBPART A: BUSINESS LOANS

Section  
350.01 Permissible Lending Transactions in Which the State Bank  
Receives a Share of Profits, Income or Earnings from a Business

## SUBPART B: ACQUISITION, DEVELOPMENT OR CONSTRUCTION LOANS

Section  
350.10 Purpose  
350.20 Definitions  
350.30 Permissible ADC Lending Transactions by State Banks  
350.40 Characteristics of ADC Lending Transactions Implying  
Unauthorized Investments in Real Estate or a Joint  
Venture  
350.50 Characteristics of ADC Lending Transactions Implying  
Loans  
350.60 Procedure

AUTHORITY: Implementing Section 3 and authorized by Section  
48(6) of the Illinois Banking Act (Ill. Rev. Stat. 1989, ch. 17,  
pars. 309 and 359(6)).

SOURCE: Adopted at 13 Ill. Reg. 19417, effective December 15,  
1989; amended at 14 Ill. Reg. \_\_\_\_\_,  
effective \_\_\_\_\_.

## SUBPART A: BUSINESS LOANS

Section 350.01 Permissible Lending Transactions in Which the  
State Bank Receives a Share of Profits, Income or Earnings from a  
Business

A state bank may engage in or purchase a participation in a  
lending transaction which provides that the bank will receive a  
share of the profits, income or earnings from the business  
enterprise of the borrower. The share to be received by the bank  
can be in addition to or in lieu of interest. However, the

repayment of principal cannot be conditioned on the profit,  
income or earnings of the business and the payment to the bank of  
its share of profit, income or earnings must terminate when the  
loan is repaid in full.

Added at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.



DEPARTMENT OF CONSERVATION  
NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF CONSERVATION  
NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Commercial Fishing and Musseling in Certain Waters of the State

2) CODE CITATION: 17 Ill. Adm. Code 830

3) SECTION NUMBERS:

830.05 New Section  
830.20 Amendments  
830.60 Amendments  
830.70 Amendments  
830.80 Amendments  
830.90 Amendments

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 1, 1991.
- B) Types of small businesses affected: Commercial fishermen licensed by the Department of Conservation to harvest various fish and mussel species (identified in Section 830.60) from certain waters of the State open to commercial harvest. A total of 1,903 currently licensed resident commercial fishermen, 23 non-resident commercial fishermen, 1,071 resident musselers, 9 resident mussel shell buyers and 1 non-resident mussel shell buyers will be affected.

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3j, 1.3k, 1.4, 3.25, 4.8, 4.9, 5.7, and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1989, ch. 56, pars. 1.3j, 1.3k, 1.4, 3.25, 4.8, 4.9, 5.7 and 6.1)

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:  
This Part is being amended to give greater protection to the mussel resources of Illinois. The amendments include increasing the legal size of washboard mussels, changing harvest dates, defining relic mussels and method of measurement, clarifying language pertaining to mussel sanctuaries, establishing a sanctuary in the Lower Wabash River, and removing certain species from harvest in the Mississippi and Illinois Rivers.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

C) Reporting, bookkeeping or other procedures required for compliance: The commercial fishermen harvesting fish are required to submit monthly catch reports and an annual catch report. These catch reports list the number and pounds of fish harvested by species. Commercial fishermen harvesting mussels are not required to submit catch reports. Mussel harvests are monitored by requiring mussel shell buyers to submit annual reports specifying the weight and price paid of each mussel species purchased by river. These reports are necessary to monitor the removal of fish and mussel species from waters of the State open to commercial harvest.

D) Types of professional skills necessary for compliance: No professional skills are required.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:



DEPARTMENT OF CONSERVATION

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NOTICE OF PROPOSED AMENDMENTS

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF CONSERVATION  
SUBCHAPTER b: FISH AND WILDLIFE

PART 830  
COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

Section 830.20 Waters Open to Commercial Harvest of Mussels and Seasons

- Section
- 830.05 Definitions
  - 830.10 Waters Open to Commercial Harvest of Fish
  - 830.20 Waters Open to Commercial Harvest of Mussels and seasons
  - 830.30 Special Regulations
  - 830.40 Devices
  - 830.50 Permission
  - 830.60 Species
  - 830.70 Size Limit
  - 830.80 Commercial Fishing and Musseling in Additional Waters
  - 830.90 Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals

AUTHORITY: Implemented and authorized by Sections 1.3j, 1.3k, 1.4, 3.25, 4.8, 4.9, 5.7, and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1989, ch. 56, pars. 1.3j, 1.3k, 1.4, 3.25, 4.8, 4.9, 5.7 and 6.1)

SOURCE: Adopted at 5 Ill. Reg. 6809, effective June 16, 1981; codified at 5 Ill. Reg. 10648; emergency amendment at 6 Ill. Reg. 6468, effective May 18, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 10680, effective August 20, 1982; amended at 7 Ill. Reg. 2707, effective March 2, 1983; amended at 10 Ill. Reg. 6926, effective April 15, 1986; amended at 11 Ill. Reg. 9513, effective May 5, 1987; amended at 12 Ill. Reg. 11714, effective June 30, 1988; amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 830.05 Definitions

- a) A relic (dead) mussel shell is defined as one which apparently died of natural causes within the water and contains no meat or soft parts; it readily exhibits noticeable sediment, vegetation, algal or mineral stains, discolorations, soiling, weathering or other visual evidence on its interior surface which clearly and unambiguously shows the mussel shell has not been cooked-out or freshly cleaned.
- b) A legal size mussel for a particular species is defined as one which will not pass through a minimum harvest size circle cutout in a metal plate.

(Source: Added at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

a) Mississippi River and backwaters, May 1, to September 15, to August 31 inclusive, except for the following areas:

- 1) All of the area directly above Lock and Dam 12 (RM 556.7) from the center of the navigation channel east to the Illinois shoreline and northward to a line extending from RM 558.4 to the Blanding's Landing boat ramp, including but not limited to all of the area contained within the designated U.S. Military Reservation area.
- 2) All of the waters contained within Sylvan Slough from the Interstate 74 highway bridge (RM 485.8) west to the lower tip of Arsenal Island (RM 482.6).
- 3) All of the area north of and perpendicular to the center line of the navigation channel to the Illinois shoreline lying between RM 433.0 (New Boston Boat Launching Ramp) to RM 433.8 (lower tip of the first upstream island along the Illinois shoreline).
- 4) Pontoosuc Bay contained within and described as that area from the center of the main navigation channel and perpendicular to the Illinois shoreline located between RM 388.7 and RM 390.0 RM 388.0 (Pontoosuc light and daymark) and RM 390.2 (Dallas City boat access area).
- 5) All of the area east-southward of the center of the navigation channel and perpendicular to the Illinois shoreline from the mouth of the Des Moines River (RM 361.4) to the U.S. Route 136 Bridge (RM 364.0) on a line from the Des Moines River daymark (Iowa side) and the Des Moines River lighted buoy (Illinois side), both of which are at RM 361.7, to Lock and Dam 19 (RM 364.5) excluding any slough channels of the Mud Island area along the Illinois side.
- 6) All of the area east of the center of navigation



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channel and perpendicular to the Illinois shoreline between RM 314.0 (Whitney light and daymark) and RM 316.0 located upstream of Hannibal, Missouri (Hadley Island Goale light and daymark).

- 7) All of the area east of the center of navigation channel and perpendicular to the Illinois shoreline between River Mile 238.4 (Hasting's Landing light and daymark) and River Mile 240.8 (West Point Landing boat ramp).

- b) Illinois River and backwaters, May 1 to September 15 April 15 to August 31 inclusive.

- c) Wabash River, June 1 to August 31 inclusive, except that portion of the Wabash River from the old dam at New Harmony, Indiana downstream to the river's confluence with the Ohio River.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 830.60 Species

- a) The following species of fish may be taken by licensed commercial fishermen:

- 1) Carp
- 2) Buffalo
- 3) Freshwater drum
- 4) Catfishes (includes bullheads)
- 5) Paddlefish
- 6) Carpsuckers
- 7) Suckers
- 8) Redhorses
- 9) Goldeye and Mooneye
- 10) Gar (except alligator gar)
- 11) Bowfin

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- 12) American eel
- 13) Shovelnose sturgeon

- 14) Gizzard shad

- 15) White amur (grass carp)

- 16) Minnows

- 17) Goldfish

- 18) Bighead Carp and Silver Carp

- b) The following species of mussels may be taken by licensed commercial musselers:

- 1) Washboard (Megaloniaias giganteanervosa)

- 2) ~~Three-ridge~~Threeridge (Amblema plicata)

- 3) Buckhorn or Pistol Grip (Tritogonia verrucosa); may not be taken from the Mississippi and Illinois Rivers

- 4) Mapleleaf (Quadrula quadrula)

- 5) ~~Pimple-Back~~Pimpleback (Quadrula pustulosa)

- 6) ~~Monkey-Face~~Monkeyface (Quadrula metanevra)

- 7) ~~Warty-back~~Wartyback (Quadrula nodulata)

- 8) ~~Pig-tee~~Pigtoe (Fusconaia flava forma undata)

- 9) ~~Ebony-Shell~~ (Fusconaia ebena)

- 10) ~~9) Butterfly~~ (Plagiola Ellipsaria lineolata)

- 11) ~~10) Mucket~~ (Actinonaias ligamentina); may not be taken from the Mississippi and Illinois Rivers

- 12) ~~11) Ohio River Pigtoe~~ (Pleurobema cordatum)

- 13) ~~12) Hickory Nut~~ (Obovaria olivaria)

- 14) ~~13) Fat Mucket~~ (Lampsilis radiata)



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- 45714) Pink Heelsplitter (~~Preptera~~ alataPotamilus alatus)
- 46715) White Heelsplitter (Lasmigona complanata)
- 47716) Wabash River Pig-toe (Fusconaia flava forma flava)
- 48717) Pocketbook (~~Lampsitis ventricosa~~ Lampsilis ovata)
- 49718) Black Sandshell (Ligumia recta)

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 830.70 Size Limit

a) No channel catfish, blue catfish, flathead catfish or white catfish under 15 inches in length (undressed) may be taken.

b) There is no size limit on other species listed in Section 830.60(a).

c) ~~All mussels shall be measured on the shortest line from the center of the hinge side and at a right angle across the shell to the outer edge.~~

17c) All ~~Washboard~~ Washboard mussels shall measure not less than ~~3-504.0~~ 3-504.0 inches. All relic (dead) Washboards shall measure not less than 3.5 inches.

27d) All ~~three-ridge~~ three-ridge mussels shall measure not less than 2.75 inches.

37e) All other mussels listed in 830.60(b), shall measure not less than 2.5 inches.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 830.80 Commercial Fishing and Musseling in Additional Waters

a) Additional waters may be open to commercial fishing or musseling by a contract for removal. Any licensed

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commercial fisherman or musseler who wishes to fish in any water not listed under Section 830.10 or 830.20 must request permission from the Division of Fisheries. The Division will determine whether the fish or mussel resource can support such activity and whether the activity is in the best interests of the general public. If so, the Department shall issue a contract for removal specifying the type of gear, season, species of fish or mussel that shall be removed, and any other regulations as shall be necessary to protect the resource.

b) The standards for determining whether or not an additional fishery will be open to commercial fishing or musseling shall include: a biological sampling of the commercial fish or mussel population to determine the relative abundance of the species present; an assessment of the impact of commercial fishing or musseling gear on sport fish or mussel populations; a determination of the impact of commercial fishing or musseling activities on other water-based recreation; a determination of whether the fish are safe for public consumption (U.S. Food and Drug Administration standards are followed (USFDA 21, CFR 109.30, 1986) (No incorporation in this Part includes later amendments or editions)); and a fair and equitable allocation of commercial fishing or musseling opportunities.

c) Commercial fishing contracts will not be issued:

- 1) for non-commercial purposes; or
- 2) if an individual has been convicted of a violation of a State Fish Code law or 17 Ill. Adm. Code 830 during the past twelve months.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 830.90 Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals

a) In accordance with Section 5.19 of the Fish Code (Ill. Rev. Stat. 19951989, ch. 56, par. 5.1g), failure to comply with the provisions of the Fish Code of Illinois pertaining to commercial fishing and/or musseling in Illinois waters, and this part will result in suspension or revocation of the commercial fishing and/or musseling licenses. The



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

procedure by which suspensions and revocations are made, the rights of commercial fishermen and musselers to notice and hearing, and the procedures governing such hearings are set forth in 17 Ill. Adm. Code 2530 (Rules governing Department Formal Hearings Conducted for Rule-Making and Contested Cases).

- b) Where waters of the State are open to commercial fishing or musseling by contract, the contract will be revoked upon failure of the contractor to comply with all terms of the contract. Furthermore, any violation of a contract issued by the Director of Conservation or his agents shall be considered a violation of this Administrative Order and subject to the penalties as set forth in Sections 5.7 and 5.19 of the Fish Code (Ill. Rev. Stat. ~~1985~~1989, ch. 56, pars. 5.7 and 5.19).

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

2) Code Citation: 35 Ill. Adm. Code 720

3) Section Numbers: Proposed Action:

720.111

Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R90-11, on December 20, 1990. A copy of the Proposed Opinion is available at the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par 1022.4(a)) requires the Board to adopt regulations which are identical in substance to regulations promulgated by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found in 40 CFR 260 through 270. The equivalent Board regulations are found in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCARR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments during the period April 1 through June 30, 1990.

The amendments to Part 720 add incorporations by reference related to the process vent and equipment leak standards in 35 Ill. Adm. Code 724 and 725.Subparts AA and BB. The Board has also proposed to update other methods to reflect current editions.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference?

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Yes. This Part incorporates rules and regulations of agencies of the United States, and rules, regulations, standards or guidelines of nationally recognized organizations or associations, and guidelines or standards of agencies of the United States. Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.

- 9) Are there any other amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Reel/isterr Citation
720.111	Amendment	14 Ill. Reg. 3006, March 2, 1990
720.111	Amendment	14 Ill. Reg. 13925, August 31, 1990
720.120	Amendment	14 Ill. Reg. 13925, August 31, 1990
720.122	Amendment	14 Ill. Reg. 13925, August 31, 1990

- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-11 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 14, 1990.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

waste. The amendments add incorporations by reference of documents used in the new process vent and equipment leak rules in 35 Ill. Adm. Code 724 and 725, Subparts AA and BB. The amendments also update other incorporations to reference current editions of documents.

- C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analysis and maintenance of operating records.

- D) Types of professional skills required for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:



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## NOTICE OF PROPOSED AMENDMENTS

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE C: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 720

## HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

## SUBPART A: GENERAL PROVISIONS

Section  
720.101  
720.102  
720.103

Purpose, Scope and Applicability  
Availability of Information; Confidentiality of Information  
Use of Number and Gender

Section  
720.110  
720.111

## SUBPART B: DEFINITIONS

Definitions  
References

## SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section  
720.120  
720.121  
720.122  
720.130  
720.131  
720.132  
720.133  
720.140  
720.141

Rulemaking  
Alternative Equivalent Testing Methods  
Waste Delisting  
Procedures for Solid Waste Determinations  
Solid Waste Determinations  
Boiler Determinations  
Procedures for Determinations  
Additional regulation of certain hazardous waste Recycling  
Activities on a case-by-case Basis  
Procedures for case-by-case regulation of hazardous waste  
Recycling Activities

## Appendix A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective

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August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. , effective

## SUBPART B: DEFINITIONS

## Section 720.111 References

a) The following publications are incorporated by reference:

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000:

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December, 1987.

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," API Recommended Practice 1632, Second Edition, December, 1987.

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November, 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, (412) 232-3444:

APTI Course 415: Control of Gaseous Emissions, EPA Publication EPA-450/2-81-005, December, 1981.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, (212) 705-7722:



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"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

"ASTM Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester," ASTM Standard D-3828-87.

ASTM D93-85, "ASTM Standard Test Methods for Flash Point by Pensky-Martens Closed Tester," ASTM Standard D-93-79 or D-93-80 approved October 25, 1985.

ASTM D1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, Approved March 30, 1990.

ASTM D2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D2879-86, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved October 31, 1986.

ASTM D3828-87, Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester, approved December 14, 1988.

ASTM E168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

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ASTM E169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, (713) 492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP0285-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, (617) 770-3000 or (800) 344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600:

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.1)

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677)

"Petitions to Delist Hazardous Wastes -- A Guidance Manual", EPA/530-SW-85-003, April, 1985. (Document Number PB 85-194488)



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"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", EPA-530/SW-611, 1977. (Document number PB 84-174820)

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update II (April, 1985)) (Document number PB 87-120291)

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, (312) 498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

10 CFR 20, Appendix B ~~(1989)~~(1990)

40 CFR 60 (1990)

40 CFR 61, Subpart V (1990)

40 CFR 136 ~~(1989)~~(1990)

40 CFR 142 ~~(1989)~~(1990)

40 CFR 220 ~~(1989)~~(1990)

40 CFR 260.20 ~~(1989)~~(1990)

40 CFR 264 ~~(1989)~~(1990)

40 CFR 302.4, 302.5 and 302.6 ~~(1989)~~(1990)

40 CFR 761 ~~(1989)~~(1990)

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c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended through December 31, 1987.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 15 Ill. Reg. , effective )

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1) Heading of the Part: IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

2) Code Citation: 35 Ill. Adm. Code 721

Section Numbers:	Proposed Action:
721.104	Amendment
721.106	Amendment
721.111	Amendment
721.120	Amendment
721.121	Amendment
721.122	Amendment
721.123	Amendment
721.124	Amendment
721.131	Amendment
721.132	Amendment
721.133	Amendment
721.Appendix C	Amendment
721.Appendix G	Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R90-11, on December 20, 1990. A copy of the Proposed Opinion is available at the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par 1022.4(a)) requires the Board to adopt regulations which are identical in substance to regulations promulgated by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found in 40 CFR 260 through 270. The equivalent Board regulations are found in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments during the period April 1 through June 30, 1990.

The amendments to Part 721 are summarized as follows:

Section	Summary
721.104(b)(10)	Limitation on the exclusion of petroleum contaminated media from UST clean ups.
721.106	Applicability of the process vent and equipment leak rules of 35 Ill. Adm. Code 724 and 725.Subparts AA and BB to recycling
721.111	Editorial correction to this Section, which is also subject to amendment in R90-17.
721.120 - 721.131	Wastes must be reported both by the characteristic ("D number") and the listing ("F, K, U or P number")
721.124	Correction of heptachlor listing
721.132	Listing of dimethylhydrazine wastes
721.133(c)	Correction of cross reference.
App. C and G	Basis for listing and analytical methods <del>Will this proposed amendment replace an emergency rule currently in effect? No.</del>

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference?  
Yes. This Part incorporates rules and regulations of agencies of the United States. Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.

9) Are there any other amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
721.110	Amendment	14 Ill. Reg. 13938, August 31, 1990
721.111	Amendment	14 Ill. Reg. 13938, August 31, 1990



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10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-11 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 14, 1990.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste. The amendments affect the following small businesses:

Businesses owning underground storage tanks (USTs), or involved in removal of such tanks or disposal of contaminated media from such tanks.

Businesses manufacturing dimethylhydrazine

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analysis and maintenance of operating records. This rulemaking reimposes these requirements on certain persons generating certain types of UST

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clean up wastes, and imposes the requirements on dimethylhydrazine manufacturers.

D) Types of professional skills required for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:



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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 721

## IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

## SUBPART A: GENERAL PROVISIONS

Section 721.101	Purpose of Scope
721.102	Definition of Solid Waste
721.103	Definition of Hazardous Waste
721.104	Exclusions
721.105	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.106	Requirements for Recyclable Materials
721.107	Residues of Hazardous Waste in Empty Containers
721.108	PCB Wastes Regulated under TSCA

## SUBPART B: CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTES

Criteria for Identifying the Characteristics of Hazardous Waste  
Criteria for Listing Hazardous Waste

## SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section 721.120	General
721.121	Characteristic of Ignitability
721.122	Characteristic of Corrosivity
721.123	Characteristic of Reactivity
721.124	Toxicity Characteristic

## SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.130	General
721.131	Hazardous Wastes From Nonspecific Sources
721.132	Hazardous Waste from Specific Sources
721.133	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof

Appendix A	Representative Sampling Methods
Appendix B	Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
Appendix C	Chemical Analysis Test Methods
Table A	Analytical Characteristics of Organic Chemicals (Repealed)
Table B	Analytical Characteristics of Inorganic Species (Repealed)
Table C	Sample Preparation/Sample Introduction Techniques (Repealed)

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## Appendix G Basis for Listing Hazardous Wastes

## Appendix H Hazardous Constituents

## Appendix I Wastes Excluded under Section 720.120 and 720.122

## Table A Wastes Excluded from Non-Specific Sources

## Table B Wastes Excluded from Specific Sources

## Table C Wastes Excluded From Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof

## Appendix J Method of Analysis for Chlorinated Dibenzop-p-Dioxins and Dibenzofurans

## Appendix Z Table to Section 721.102

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 111. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. , effective

## SUBPART A: GENERAL PROVISIONS

## Section 721.104 Exclusions

- a) Materials which are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

- 1) Sewage:



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- A) Domestic sewage; and
- B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.
- 2) Industrial wastewater discharges that are point source discharges with NPDES permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.

BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

- 3) Irrigation return flows.
- 4) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)
- 5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.
- 6) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively as defined in Section 721.101(c);
- 7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in Section 721.101(c).
- 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:
  - A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

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- B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces or incinerators);
- C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
- D) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.

- b) Solid wastes which are not hazardous wastes. The following solid wastes are not hazardous wastes:
  - 1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any waste material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of or otherwise managing hazardous wastes for the purposes of regulation under this Part, if such facility:
    - A) Receives and burns only:
      - i) Household waste (from single and multiple dwellings, hotels, motels and other residential sources) and
      - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and
    - B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

- 2) Solid wastes generated by any of the following and which are returned to the soil as fertilizers:
  - A) Receives and burns only:
    - i) Household waste (from single and multiple dwellings, hotels, motels and other residential sources) and
    - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and
  - B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.



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- A) The growing and harvesting of agricultural crops.
- B) The raising of animals, including animal manures.
- 3) Mining overburden returned to the mine site.
- 4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels.
- 5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.

## 6) Chromium wastes:

- A) Wastes which fail the test for the toxicity characteristic (Section 721.124 and Appendix B) because chromium is present or are listed in Subpart D due to the presence of chromium, which do not fail the test for the toxicity characteristic for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:
  - i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and
  - ii) The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
  - iii) The waste is typically and frequently managed in non-oxidizing environments.
- B) Specific wastes which meet the standard in subsections (b)(6)(A)(i), (ii) and (iii) (so long as they do not fail the test for the characteristic of EP toxicity, and do not fail the test for any other characteristic) are
  - i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome

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- tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.
- ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.
- iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue.
- iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.
- v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.
- vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.
- vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.
- viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.
- 7) Solid waste from the extraction, beneficiation and processing of ores and minerals (including coal), including phosphate rock and overburden from the mining of uranium



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ore. For purposes of this subsection, beneficiation of ores and minerals is restricted to the following activities: crushing, grinding, washing, dissolution, crystallization, filtration, sorting, sizing, drying, sintering, pelletizing, briquetting, calcining to remove water or carbon dioxide, roasting, autoclaving or chlorination in preparation for leaching (except where the roasting or autoclaving or chlorination)/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing), gravity concentration, magnetic separation, electrostatic separation, floatation, ion exchange, solvent extraction, electrowinning, precipitation, amalgamation, and heap, dump, vat tank and in situ leaching. For the purposes of this subsection, solid waste from the processing of ores and minerals will include only the following wastes:

- A) Slag from primary copper processing;
- B) Slag from primary lead processing;
- C) Red and brown muds from bauxite refining;
- D) Phosphogypsum from phosphoric acid production;
- E) Slag from elemental phosphorus production;
- F) Gasifier ash from coal gasification;
- G) Process wastewater from coal gasification;
- H) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
- I) Slag tailings from primary copper processing;
- J) Fluorogypsum from hydrofluoric acid production;
- K) Process wastewater from hydrofluoric acid production;
- L) Air pollution control dust/sludge from iron blast furnaces;
- M) Iron blast furnace slag;
- N) Treated residue from roasting/leaching of chrome ore;

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- O) Process wastewater from primary magnesium processing by the anhydrous process;
- P) Process wastewater from phosphoric acid production;
- Q) Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production;
- R) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
- S) Chloride processing waste solids from titanium tetrachloride production;
- T) Slag from primary zinc smelting; and,
- U) Until June 30, 1991, process wastewater, acid plant blowdown and wastewater treatment plant solids from primary zinc smelting and refining, except for wastewater treatment plant solids which are hazardous by characteristic and which are not processed.
- 8) Cement kiln dust waste.
- 9) Solid waste which consists of discarded wood or wood products which fails the test for the toxicity characteristic solely for arsenic and which is not a hazardous waste for any other reason or reasons if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.
- 10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only) and are subject to corrective action regulations under 35 Ill. Adm. Code 731.
- c) Hazardous wastes which are exempted from certain regulations. A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 725 and 728 or to the notification requirements of Section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment,



or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.

d) Samples

- 1) Except as provided in subsection (d)(2), a sample of solid waste or a sample of water, soil or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 728. The sample qualifies when:

- A) The sample is being transported to a laboratory for the purpose of testing; or
- B) The sample is being transported back to the sample collector after testing; or
- C) The sample is being stored by the sample collector before transport to a laboratory for testing; or
- D) The sample is being stored in a laboratory before testing; or
- E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
- F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

- 2) In order to qualify for the exemption in subsection (d)(1)(A) and (B), a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:

- A) Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS) or any other applicable shipping requirements; or
- B) Comply with the following requirements if the sample collector determines that DOT, USPS or other shipping requirements do not apply to the shipment of the sample:

- i) Assure that the following information accompanies the sample: The sample collector's name, mailing address and telephone number; the laboratory's name, mailing address and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample.

- ii) Package the sample so that it does not leak, spill or vaporize from its packaging.

- 3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1).

e) Treatability study samples.

- 1) Except as is provided in subsection (e)(2), persons who generate or collect samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:

- A) The sample is being collected and prepared for transportation by the generator or sample collector; or,

- B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or

- C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

- 2) The exemption in subsection (e)(1) is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:

- A) The generator or sample collector uses (in "treatability studies") no more than 1000 kg of any non-acute hazardous waste, 1 kg of acute hazardous waste or 250 kg of soils, water or debris contaminated with acute hazardous waste for each process being evaluated for each generated wastestream; and



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- B) The mass of each shipment does not exceed 1000 kg of non-acute hazardous waste, 1 kg of acute hazardous waste or 250 kg of soils, water or debris contaminated with acute hazardous waste; and
- C) The sample must be packaged so that it does not leak, spill or vaporize from its packaging during shipment and the requirements of subsections (i) or (ii) are met.
- i) The transportation of each sample shipment complies with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS) or any other applicable shipping requirements; or
- ii) If the DOT, USPS or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address and telephone number of the originator of the sample; the name, address and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number.
- D) The sample is shipped to a laboratory or testing facility which is exempt under subsection (f) or has an appropriate RCRA permit or interim status.
- E) The generator or sample collector maintains the following records for a period ending 3 years after completion of the treatability study:
- i) Copies of the shipping documents;
- ii) A copy of the contract with the facility conducting the treatability study;
- iii) Documentation showing: The amount of waste shipped under this exemption; the name, address and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and, whether or not unused samples and residues were returned to the generator.

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- F) The generator reports the information required in subsection (e)(2)(E)(iii) in its report under 35 Ill. Adm. Code 722.141.
- 3) The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsection (e)(2)(A), for up to an additional 500 kg of any non-acute hazardous waste, 1 kg of acute hazardous waste and 250 kg of soils, water or debris contaminated with acute hazardous waste, to conduct further treatability study evaluation when: There has been an equipment or mechanical failure during the conduct of the treatability study; there is need to verify the results of a previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or, there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment. The additional quantities allowed are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (F). The generator or sample collector must apply to the Agency and provide in writing the following information:
- A) The reason why the generator or sample collector requires additional quantity of sample for the treatability study evaluation and the additional quantity needed;
- B) Documentation accounting for all samples of hazardous waste from the wastestream which have been sent for or undergone treatability studies, including the date each previous sample was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;
- C) A description of the technical modifications or change in specifications which will be evaluated and the expected results;
- D) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment have been made to protect against further breakdowns; and,



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- E) Such other information as the Agency determines is necessary.
- 4) Final Agency determinations pursuant to this subsection may be appealed to the Board.
- f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 705, 722 through 726, and 728, or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11) are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11). Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.
- 1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection.
- 2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.
- 3) No more than a total of 250 kg of "as received" hazardous waste is subjected to initiation of treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.
- 4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 1000 kg, the total of which can include 500 kg of soils, water or debris contaminated with acute hazardous waste or 1 kg of acute hazardous waste. This quantity limitation does not include:
- A) Treatability study residues; and,
  - B) Treatment materials (including nonhazardous solid waste) added to "as received" hazardous waste.

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- 5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs.
- 6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.
- 7) The facility maintains records for 3 years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:
- A) The name, address and USEPA identification number of the generator or sample collector of each waste sample;
  - B) The date the shipment was received;
  - C) The quantity of waste accepted;
  - D) The quantity of "as received" waste in storage each day;
  - E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
  - F) The date the treatability study was concluded;
  - G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.
- 8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending 3 years from the completion date of each treatability study.
- 9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability



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studies during the current year, and includes the following information for the previous calendar year:

- A) The name, address and USEPA identification number of the facility conducting the treatability studies;
  - B) The types (by process) of treatability studies conducted;
  - C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);
  - D) The total quantity of waste in storage each day;
  - E) The quantity and types of waste subjected to treatability studies;
  - F) When each treatability study was conducted;
  - G) The final disposition of residues and unused sample from each treatability study;
- 10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703 and 721 through 728, unless the residues and unused samples are returned to the sample originator under the subsection (e) exemption.

- 11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

(Source: Amended at 15 Ill. Reg. , effective )

## Section 721.106 Requirements for Recyclable Materials

## a) Recyclable materials:

- 1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters and storage facilities of subsections (b) and (c), except for the materials listed in subsections (a)(2) and (a)(3). Hazardous wastes that are recycled will be known as "recyclable materials".

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- 2) The following recyclable materials are not subject to the requirements of this Section but are regulated under 35 Ill. Adm. Code 726.Subparts C through G and all applicable provisions in 35 Ill. Adm. Code 702, 703 and 705.

- A) Recyclable materials used in a manner constituting disposal (35 Ill. Adm. Code 726.Subpart C);
  - B) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under 35 Ill. Adm. Code 724 or 725.Subpart O (35 Ill. Adm. Code 726.Subpart D.);
  - C) Used oil that exhibits one or more of the characteristics of hazardous waste and is burned for energy recovery in boilers or industrial furnaces that are not regulated under 35 Ill. Adm. Code 724 or 725.Subpart O. (35 Ill. Adm. Code 726.Subpart E);
  - D) Recyclable materials from which precious metals are reclaimed (35 Ill. Adm. Code 726.Subpart F);
  - E) Spent lead-acid batteries that are being reclaimed (35 Ill. Adm. Code 726.Subpart G).
- 3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 726, 728, or 702, 703 or 705 and are not subject to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act:

- A) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in 35 Ill. Adm. Code 722.158:
  - i) A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, shall comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153, 722.156(a)(1) through (a)(4), (a)(6) and (b), and 722.157, shall export such materials only upon consent of the receiving country and in conformance with the USEPA Acknowledgement of Consent as defined in 35 Ill. Adm. Code 722.Subpart E, and shall provide a copy of the USEPA Acknowledgement of Consent to the shipment



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to the transporter transporting the shipment for export;

- ii) Transporters transporting a shipment for export shall not accept a shipment if the transporter knows the shipment does not conform to the USEPA Acknowledgement of Consent, shall ensure that a copy of the USEPA Acknowledgement of Consent accompanies the shipment and shall ensure that it is delivered to the facility designated by the person initiating the shipment.

- B) Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;

- C) Used oil that exhibits one or more of the characteristics of hazardous waste but is recycled in some other manner than being burned for energy recovery;

- D) Scrap metal;

- E) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production and transportation practices;

- F) Oil reclaimed from hazardous waste resulting from normal petroleum refining, production and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility;

- G) Coke and coal tar from the iron and steel industry that contains USEPA hazardous waste number K087 (decanted tank tar sludge from coking operations) (Section 721.132) from the iron and steel production process;

- H) Petroleum refining wastes.

- i) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production or transportation practices, or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use

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distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 726.140(e) and so long as no other hazardous wastes are used to produce the hazardous waste fuel;

- ii) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

- iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

- I) Petroleum coke produced from petroleum refinery hazardous wastes containing oil at the same facility at which such wastes were generated, unless the resulting coke product exceeds one or more of the characteristics of hazardous waste in Subpart C.

- b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a).

- c) Storage and recycling:

- 1) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of 35 Ill. Adm. Code 724.Subparts A through L, AA and BB and 725.Subparts A through L, AA and BB, 726, 728, 702, 703 and 705 and the notification requirement under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a). (The recycling process itself is exempt from regulation except as provided in subsection (d).)



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- 2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (a).

- A) Notification requirements under Section 3010 of the Resource Conservation and Recovery Act.
- B) 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies)
- C) Subsection (d).

- d) Owners or operators of facilities required to have a RCRA permit pursuant to 35 Ill. Adm. Code 703 with hazardous waste management units which recycle hazardous wastes are subject to 35 Ill. Adm. Code 724, Subpart AA and BB and 725, Subpart AA and BB.

(Source: Amended at 15 Ill. Reg. , effective )

SUBPART B: CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTES

Section 721.111 Criteria for Listing Hazardous Waste

- a) ~~USEPA's criteria for listing hazardous waste are given at 40 CFR Section 261.11. USEPA lists a solid waste as a hazardous waste only upon determining that the solid waste meets one of the following criteria:~~

- 1) ~~It exhibits any of the characteristics of hazardous waste identified in Subpart C; or~~
- 2) ~~"a" list. Acute hazardous wastes are listed in Section 721.133(e). Acute hazardous wastes are those which have been found to be fatal. Acute toxic wastes are those which have acute hazardous waste. It has been found to be fatal to humans in low doses or, in the absence of data on human toxicity, it has been shown in studies to have an oral LD 50 toxicity (rat) of less than 50 mg/kg, an inhalation LC 50 toxicity (rat) of less than 2 mg/l, or a dermal LD 50 toxicity (rabbit) of less than 200 mg/kg or is otherwise capable of causing or significantly contributing to an increase in serious irreversible or incapacitating reversible, illness.~~

BOARD NOTE: Waste listed in accordance with these criteria will bear designated Acute Hazardous Waste).

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- 3) Toxic waste. It contains any of the toxic constituents listed in Appendix H unless, after considering any of the following factors, USEPA concludes that the waste is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed:

- A) The nature of the toxicity presented by the constituent.
- B) The concentration of the constituent in the waste.
- C) The potential of the constituent or any toxic degradation product of the constituent to migrate from the waste into the environment under the types of improper management considered in subsection (a)(3)(G).
- D) The persistence of the constituent or any toxic degradation product of the constituent.
- E) The potential for the constituent or any toxic degradation product of the constituent to degrade into nonharmful constituents and the rate of degradation.
- F) The degree to which the constituent or any degradation product of the constituent bioaccumulates in ecosystems.
- G) The plausible types of improper management to which the waste could be subjected.
- H) The quantities of the waste generated at individual generation sites or on a regional or national basis.
- I) The nature and severity of the human health and environmental damage that has occurred as a result of the improper management of the wastes containing the constituent.
- J) Action taken by other governmental agencies or regulatory programs based on the health or environmental hazard posed by the waste or waste constituent.
- K) Such other factors as may be appropriate.



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BOARD NOTE: Wastes listed in accordance with these criteria are designated toxic wastes.

- 4) Substances are listed in Appendix H only if they have been shown in scientific studies to have toxic, carcinogenic, mutagenic or teratogenic effects on humans or other life forms.

b) USEPA may list classes or types of solid waste as hazardous waste if USEPA has reason to believe that individual wastes, within the class or type of waste, typically or frequently are hazardous under the definition of hazardous waste found in Section 1004(5) of the Resource Conservation and Recovery Act (42 USC 6901 et seq.)

c) USEPA's criteria for listing hazardous waste are given at 40 CFR Section 261.11-USEPA will use the criteria for listing specified in this Section to establish the exclusion limits referred to in Section 721.105(c).

(Source: Amended at 15 Ill. Reg. , effective )

## SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

## Section 721.120 General

- a) A solid waste, as defined in Section 721.102, which is not excluded from regulation as a hazardous waste under Section 721.104(b), is a hazardous waste if it exhibits any of the characteristics identified in this Subpart.

BOARD NOTE: BOARD NOTE: 35 Ill. Adm. Code 722.111 sets forth the generator's responsibility to determine whether the generator's waste exhibits one or more characteristics identified in this Subpart.

- b) A hazardous waste which is identified by a characteristic in this Subpart, but is not listed as a hazardous waste in Subpart D, is assigned the very USEPA Hazardous Waste Number which is applicable as set forth in the respective characteristic in this Subpart. This number must be used in complying with the notification requirements of Section 3010 of the Resource Conservation and Recovery Act and ~~establish~~ applicable recordkeeping and reporting requirements under 35 Ill. Adm. Code 702, 703, 722 through 725 and 728.

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- c) For purposes of this Subpart, a sample obtained using any of the applicable sampling methods specified in Appendix A is a representative sample within the meaning of 35 Ill. Adm. Code 720.

BOARD NOTE: BOARD NOTE: Since the Appendix A sampling methods are not being formally adopted, a person who desires to employ an alternative sampling method is not required to demonstrate the equivalency of the person's method under the procedures set forth in 35 Ill. Adm. Code 720.121.

(Source: Amended at 15 Ill. Reg. , effective )

## Section 721.121 Characteristic of Ignitability

- a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

- 1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60°C (140°F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in the American Society of Testing Materials (ASTM) Standard D-93-79 or D-93-80 (incorporated by reference, see \$720.111) ASTM D-93, incorporated by reference in 35 Ill. Adm. Code 720.111, or a Setflash Closed Cup Tester, using the test method specified in ASTM Standard D-3283-78-78 (incorporated by reference, see \$720.111), incorporated by reference in 35 Ill. Adm. Code 720.111, or as determined by an equivalent test method approved by the Board (\$35 Ill. Adm. Code 720.120).

- 2) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.

- 3) It is an ignitable compressed gas as defined in 49 CFR 173.300, incorporated by reference in 35 Ill. Adm. Code 720.111, and as determined by the test methods described in that regulation or equivalent test methods approved by the Board (\$35 Ill. Adm. Code 720.120).

- 4) It is an oxidizer as defined in 49 CFR 173.151, incorporated by reference in 35 Ill. Adm. Code 720.111.



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- b) A solid waste that exhibits the characteristic of ignitability ~~but is not listed as a hazardous waste in Subpart D7~~ has the EPA Hazardous Waste Number of D001.

(Source: Amended at 15 Ill. Reg. , effective )

## Section 721.122 Characteristic of Corrosivity

- a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties:

- 1) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using either an EPA test method or an equivalent test method (\$35 Ill. Adm. Code 720.121). The EPA test method for pH is specified as Method 5.2 in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see 720.111, incorporated by reference in 35 Ill. Adm. Code 720.111).

- 2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55°C (130°F) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard TM-01-69 as standardized in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see 720.111, incorporated by reference in 35 Ill. Adm. Code 720.111, or an equivalent test method (\$35 Ill. Adm. Code 720.121).

- b) A solid waste that exhibits the characteristic of corrosivity ~~but is not listed as a hazardous waste in Subpart D7~~ has the EPA Hazardous Waste Number of D002.

(Source: Amended at 15 Ill. Reg. , effective )

## Section 721.123 Characteristic of Reactivity

- a) A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

- 1) It is normally unstable and readily undergoes violent change without detonating.
- 2) It reacts violently with water.

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- 3) It forms potentially explosive mixtures with water.
- 4) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
- 5) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5 can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
- 6) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.
- 7) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure.
- 8) It is a forbidden explosive as defined in 49 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53 or a Class B explosive as defined in 49 CFR 173.88, incorporated by reference in 35 Ill. Adm. Code 720.111.

- b) A solid waste that exhibits the characteristic of reactivity ~~but is not listed as a hazardous waste in Subpart D7~~ has the EPA Hazardous Waste Number of D003.

(Source: Amended at 15 Ill. Reg. , effective )

## Section 721.124 Toxicity Characteristic

- a) A solid waste exhibits the characteristic of toxicity if, using the test methods described in Appendix B or equivalent methods approved by the Agency under the procedures set forth in Sections 720.120 and 720.121, the extract from a representative sample of the waste contains any of the contaminants listed in the table in subsection (b) at a concentration equal to or greater than the respective value given in that table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Appendix B, is considered to be the extract for the purpose of this Section.

BOARD NOTE: Generators are required to use the TCLP test for the hazardous waste determination under 35 Ill. Adm. Code 722.120 as of September 25, 1990. Provided, however, that, as specified at 55 Fed. Reg. 11850, March 29, 1990, small quantity generators of 100 to 1000 kg/ month, as defined in 35 Ill. Adm. Code 721.105,



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may continue to use the EP toxicity test until March 29, 1991. The EP toxicity test is Method 1310 in SW 846, "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", incorporated by reference in 35 Ill. Adm. Code 720.111. The reference to the "EP toxicity test" in 35 Ill. Adm. Code 808.410(b)(4) is to be understood as referencing the test required by this Section.

- b) A solid waste that exhibits the characteristic of toxicity, but is not listed as a hazardous waste in Subpart D, has the USEPA Hazardous Waste Number specified in the following table which corresponds to the toxic contaminant causing it to be hazardous.

MAXIMUM CONCENTRATION OF CONTAMINANTS  
FOR THE TOXICITY CHARACTERISTIC

USEPA Hazardous Waste No.	Contaminant	CAS Number	Note	Regulatory Level (mg/L)
D004	Arsenic	7440-38-2		5.0
D005	Barium	7440-39-3		100.0
D018	Benzene	71-43-2		0.5
D006	Cadmium	7440-43-9		1.0
D019	Carbon tetra- chloride	56-23-5		0.5
D020	Chlordane	57-74-9		0.03
D021	Chlorobenzene	108-90-7		100.0
D022	Chloroform	67-66-3		6.0
D007	Chromium	7440-47-3		5.0
D023	o-Cresol	95-48-7	4	200.0
D024	m-Cresol	108-39-4	4	200.0
D025	p-Cresol	106-44-5	4	200.0
D026	Cresol	94-75-7	4	10.0
D016	2,4-D	106-46-7		7.5
D027	1,4-Dichloro- benzene	107-06-2		0.5
D028	1,2-Dichloroethane	75-35-4		0.7
D029	1,1-Dichloro- ethylene	121-14-2	3	0.13
D030	2,4-Dinitrotoluene	72-20-8		0.02
D012	Endrin	76-44-8		0.008
D031	Heptachlor (and its epoxide)	118-74-1	3	0.13
D032	Hexachlorobenzene	87-68-3		0.5
D033	Hexachlorobuta- diene	67-72-1		3.0
D034	Hexachloroethane	7439-92-1		5.0
D008	Lead			

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D013	Lindane	58-89-9	0.4
D009	Mercury	7439-97-6	0.2
D014	Methoxychlor	72-43-5	10.0
D035	Methyl ethyl ketone	78-93-3	200.0
D036	Nitrobenzene	98-95-3	2.0
D037	Pentachlorophenol	87-86-5	100.0
D038	Pyridine	110-86-1	3
D010	Selenium	7782-49-2	1.0
D011	Silver	7440-22-4	5.0
D039	Tetrachloro- ethylene	127-18-4	0.7
D015	Toxaphene	8001-35-2	0.5
D040	Trichloroethylene	79-01-6	0.5
D041	2,4,5-Trichloro- phenol	95-95-4	400.0
D042	2,4,6-Trichloro- phenol	88-06-2	2.0
D017	2,4,5-TP (Silvex)	93-72-1	1.0
D043	Vinyl chloride	75-01-4	0.2

Notes to Table:

- 3 Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.
- 4 If o-, m-, p-cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200.0 mg/L.

(Source: Amended at 15 Ill. Reg. , effective )

SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.131 Hazardous Wastes From Nonspecific Sources

The following solid wastes are listed hazardous wastes from non-specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I.



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EPA  
Hazardous  
Waste No.

F001

## Industry and Hazardous Waste

The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride and chlorinated fluorocarbons; all spent solvent mixtures and blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F002

The following spent halogenated solvents: tetra-chloroethylene, methylene chloride, trichloro-ethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F001, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F003

The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone and methanol; all spent solvent mixtures and blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixtures and blends containing, before use, one or more of the above non-halogenated solvents and a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

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F004

(T)

The following spent non-halogenated solvents: cresols and cresylic acid and nitrobenzene; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F005

(I, T)

The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol and 2-nitropropane; all spent solvent mixtures and blends, containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002 or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F006

(T)

Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping on associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

F019

See Below

F007

(R, T)

Spent cyanide plating bath solutions from electroplating operations.

F008

(R, T)

Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

F009

(R, T)

Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

F010

(R, T)

Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.



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F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.	(R, T)	F024	Process wastes including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts and wastes listed in this Section or Section 721.132.)	(T)
F012	Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.	(T)			
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.	(T)	F025	Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.	(T)
F020	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.)	(H)	F026	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta- or hexachlorobenzene under alkaline conditions.	(H)
F021	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives.	(H)	F027	Discarded unused formulations containing tri-, tetra- or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component).	(H)
F022	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta- or hexachlorobenzenes under alkaline conditions.	(H)			
F023	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5- trichlorophenol.	(H)	F028	Residues resulting from the incineration or thermal treatment of soil contaminated with hazardous waste numbers F020, F021, F022, F023, F026 and F027.	(T)



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F039 Leachate resulting from the treatment, storage or disposal of wastes classified by more than one waste code under Subpart D, or from a mixture of wastes classified under Subparts C and D. (Leachate resulting from the management of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its hazardous waste code(s): F020, F021, F022, F023, F026, F027 or F028.) (T)

~~(Board Note)~~ BOARD NOTE: The primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The letter H indicates Acute Hazardous Waste.

(Source: Amended at 15 Ill. Reg. , effective )

## Section 721.132 Hazardous Waste from Specific Sources

The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I.

EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
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## Wood Preservation:

K001	Bottom sediment sludge from the treatment of waste-waters from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
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## Inorganic Pigments:

K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
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K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
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K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
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K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
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K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
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K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
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K008	Oven residue from the production of chrome oxide green pigments.	(T)
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## Organic Chemicals:

K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
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K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
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K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
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K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(T)
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K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
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K015	Still bottoms from the distillation of benzyl chloride.	(T)
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K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
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K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
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K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
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K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
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K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
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K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
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K022 Distillation bottom tars from the production of phenol/acetone from cumene. (T)

K023 Distillation light ends from the production of phthalic anhydride from naphthalene. (T)

K024 Distillation bottoms from the production of phthalic anhydride from naphthalene. (T)

K093 Distillation light ends from the production of phthalic anhydride from ortho-xylene. (T)

K094 Distillation bottoms from the production of phthalic anhydride from ortho-xylene. (T)

K025 Distillation bottoms from the production of nitrobenzene by the nitration of benzene. (T)

K026 Stripping still tails from the production of methyl ethyl pyridines. (T)

K027 Centrifuge and distillation residues from toluene diisocyanate production. (R,T)

K028 Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. (T)

K029 Waste from the product stream stripper in the production of 1,1,1-trichloroethane. (T)

K095 Distillation bottoms from the production of 1,1,1-trichloroethane. (T)

K096 Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. (T)

K030 Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene. (T)

K083 Distillation bottoms from aniline production. (T)

K103 Process residues from aniline extraction from the production of aniline. (T)

K104 Combined wastewater streams generated from nitrobenzene/aniline production. (T)

K085 Distillation or fractionation column bottoms from the production of chlorobenzenes. (T)

K105 Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. (T)

K107 Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxilic acid hydrazides. (C,T)

K108 Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxilic acid hydrazides. (I,T)

K109 Spent filter cartridges from the product purification from the production of 1,1-di-methylhydrazine (UDMH) from carboxilic acid hydrazides. (T)

K110 Condensed column overheads from intermediate separation from the production of 1,1-di-methylhydrazine (UDMH) from carboxilic acid hydrazides. (T)

K111 Product wastewaters from the production of di-nitrotoluene via nitration of toluene. (C,T)

K112 Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)

K113 Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)

K114 Vicinals from the purification of toluene-diamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)

K115 Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)

K116 Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine. (T)



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K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
	Inorganic Chemicals:	
K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	(T)
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	(T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)
	Pesticides:	
K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachloro-cyclopentadiene in the production of chlordane.	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of creosote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)
K123	Process wastewater (including supernates, filtrates and washwaters) from the production of ethylenebis-dithiocarbamic acid and its salts.	(T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	(C,T)
K125	Filtration, evaporation and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	(T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C,T)



2115		2116	
ILLINOIS REGISTER		ILLINOIS REGISTER	
91		91	
POLLUTION CONTROL BOARD		POLLUTION CONTROL BOARD	
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K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.  Explosives:	K064	Acid plant blowdown slurry or sludge resulting from the thickening of blowdown slurry from primary copper production.
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.		Primary Copper:
K045	Spent carbon from the treatment of wastewater containing explosives.	K065	Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities.
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.		Primary Lead:
K047	Pink/red water from TNT operations.		Primary Zinc:
	Petroleum Refining:	K066	After June 30, 1990, sludge from treatment of process wastewater or acid plant blowdown from primary zinc production.
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.		Primary Aluminum:
K049	Slop oil emulsion solids from the petroleum refining industry.	K088	Spent potliners from primary aluminum reduction.
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.		Ferroalloys:
K051	API separator sludge from the petroleum refining industry.	K090	Emission control dust or sludge from ferrochromiumsilicon production.
K052	Tank bottoms (leaded) from the petroleum refining industry.	K091	Emission control dust or sludge from ferrochromium production.
	Iron and Steel:		Secondary Lead:
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	K069	Emission control dust/sludge from secondary lead smelting.
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110).	K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.
			Veterinary Pharmaceuticals:
		K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.



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c) Any residue remaining in a container or inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f), unless the container is empty as defined in Section 721.107(b)(3).

BOARD NOTE: Unless the residue is being beneficially used or reused, or legitimately recycled or reclaimed, or being accumulated, stored, transported or treated prior to such use, reuse, recycling or reclamation, the Board considers the residue to be intended for discard, and thus a hazardous waste. An example of a legitimate reuse of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner who reconditions the drum but discards the residue.

d) Any residue or contaminated soil, water or other debris resulting from the cleanup of a spill, into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f), or any residue or contaminated soil, water or other debris resulting from the cleanup of a spill, into or on any land or water, of any off-specification chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in subsection (e) or (f).

BOARD NOTE: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in ..." refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in subsections (e) or (f). Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in subsections (e) or (f), such waste will be listed in either Sections 721.131 or 721.132 or will be identified as a hazardous waste by the characteristics set forth in Subpart C.

e) The commercial chemical products, manufacturing chemical intermediates or off-specification commercial chemical products or manufacturing chemical intermediates referred to in subsections (a) through (d), are identified as acute hazardous waste (H) and are subject to the small quantity exclusion defined in Section

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K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

K102 Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)

Ink Formulation:

K086 Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps and stabilizers containing chromium and lead. (T)

Coking:

K060 Ammonia still lime sludge from coking operations. (T)

K087 Decanter tank tar sludge from coking operations. (T)

(Source: Amended at 15 Ill. Reg. , effective )

Section 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded as described in Section 721.102(a)(2)(A), when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment, when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to land in lieu of their original intended use, or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

a) Any commercial chemical product, or manufacturing chemical intermediate having the generic name listed in subsections (e) or (f).

b) Any off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in subsections (e) or (f).



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721.105(e). These wastes and their corresponding EPA Hazardous Waste Numbers are:

BOARD NOTE: For the convenience of the regulated community the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). Absence of a letter indicates that the compound only is listed for acute toxicity.

Hazardous Waste No.	Chemical Abstracts No.	Substance
P023	107-20-0	Acetaldehyde, chloro-
P002	591-08-2	Acetamide, N-(aminothioxomethyl)
P057	640-19-7	Acetamide, 2-fluoro-
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P008	504-24-5	4-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate
P010	7778-39-4	Argentate(1-), bis(cyano-C)-, potassium
P012	1327-53-3	Arsenic acid H <sub>3</sub> AsO <sub>4</sub>
P011	1303-28-2	Arsenic oxide As <sub>2</sub> O <sub>3</sub>
P011	1303-28-2	Arsenic oxide As <sub>2</sub> O <sub>5</sub>
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic trioxide
P038	692-42-2	Arsine, diethyl-
P036	696-28-6	Arsonous dichloride, phenyl-
P054	151-56-4	Aziridine
P067	75-55-8	Aziridine, 2-methyl
P013	542-62-1	Barium cyanide
P024	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-
P046	122-09-8	Benzenethanamine, alpha, alpha-di-methyl-
P014	108-98-5	Benzenethiol

## POLLUTION CONTROL BOARD

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P001	P81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3%
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium
P017	598-31-2	Bromoacetone
P018	357-57-3	Brucine
P045	39196-18-6	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino)carbonyl] oxime
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide Ca(CN) <sub>2</sub>
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide CuCN
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DPP)
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-
		1,2,3,4,10,10-hexachloro-
		1,4,4a,5,8,8a-hexahydro-, (1alpha, 4alpha, 4beta, 5beta, 8beta, 8alpha)-
P060	465-73-6	1,4,5,8-Di-methanonaphthalene, 1,2,3,4,10,10-hexachloro-
		1,4,4a,5,8,8a-hexahydro-, (1alpha, 4alpha, 4beta, 5beta, 8beta, 8alpha)-
P037	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-
		1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha, 2beta, 2aalpha, 3beta, 6beta, 6alpha, 7beta, 7aalpha)-



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P051	P72-20-8	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha, 2beta, 2abeta, 3alpha, 6alpha, 6abeta, 7beta, 7aalpha)-, and metabolites
P044	60-51-5	Dimethoate
P046	122-09-8	alpha, alpha-Dimethylphenethylamine
P047	534-52-1	4,6-Dinitro-o-cresol and salts
P048	51-28-5	2,4-Dinitrophenol
P020	88-85-7	Dinoseb
P085	152-16-9	Diphosphoramide, octamethyl-
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P039	298-04-4	Disulfoton
P049	541-53-7	Dithiobiuret
P050	115-29-7	Endosulfan
P088	145-73-3	Endothall
P051	72-20-8	Endrin
P051	72-20-8	Endrin, and metabolites
P042	51-43-4	Epinephrine
P031	460-19-5	Ethanedinitrile
P066	16752-77-5	Ethanimidithioic acid, N-[[[(methyl-amino)carbonyl]oxy]-, methyl ester
P101	107-12-0	Ethyl cyanide
P054	151-56-4	Ethyleneimine
P097	52-85-7	Famphur
P056	7782-41-4	Fluorine
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Fluoroacetic acid, sodium salt
P085	628-86-4	Fulminic acid, mercury (2+) salt (R,T)
P059	76-44-8	Heptachlor
P082	757-58-4	Hexaethyl tetraphosphate
P116	79-19-6	Hydrazinecarbothioamide
P068	60-34-4	Hydrazine, methyl-
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrogen cyanide
P096	7803-51-2	Hydrogen phosphide
P060	465-73-6	Isodrin
P007	2763-96-4	3(2H)-Isoxazalone, 5-(aminomethyl)-
P092	62-38-4	Mercury, (acetato-O)phenyl-
P065	628-86-4	Mercury fulminate (R,T)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-
P064	624-83-9	Methane, isocyanato-
P016	542-88-1	Methane, oxybis(chloro-
P112	509-14-8	Methane, tetranitro- (R)
P118	75-70-7	Methanethiol, trichloro-

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P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-Methomyl
P066	16752-77-5	Methyl hydrazine
P068	60-34-4	Methyl isocyanate
P064	624-83-9	2-Methylactonitrile
P069	75-86-5	Methyl parathion
P071	298-00-0	alpha-Naphthylthiourea
P072	86-88-4	Nickel carbonyl
P073	13463-39-3	Nickel carbonyl Ni(CO) <sub>4</sub> , (T-4)-
P073	13463-39-3	Nickel cyanide
P074	557-19-7	Nickel cyanide Ni(CN) <sub>2</sub>
P074	557-19-7	Nicotine, and salts
P075	54-11-5	Nitric oxide
P076	10102-43-9	p-Nitroaniline
P077	100-01-6	Nitrogen dioxide
P078	10102-44-0	Nitrogen oxide NO
P076	10102-43-9	Nitrogen oxide NO <sub>2</sub>
P078	10102-44-0	Nitroglycerine (R)
P081	55-63-0	N-Nitrosodimethylamine
P082	62-75-9	N-Nitrosomethylvinylamine
P084	4549-40-0	Octamethylpyrophosphoramide
P085	152-16-9	Osmium oxide OsO <sub>4</sub> , (T-4)-
P087	20816-12-0	Osmium tetroxide
P087	20816-12-0	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
P088	145-73-3	Parathion
P089	56-38-2	Phenol, 2-cyclohexyl-4,6-dinitro-
P034	131-89-5	Phenol, 2,4-dinitro-
P048	51-28-5	Phenol, 2-methyl-4,6-dinitro-, and salts
P047	P534-52-1	Phenol, 2-(1-methylpropyl)-4,6-dinitro-phenol, 2,4,6-trinitro-, ammonium salt (R)
P020	88-85-7	Phenylmercury acetate
P009	131-74-8	Phenylthiourea
P092	62-38-4	Phorate
P093	103-85-5	Phosgene
P094	298-02-2	Phosphine
P095	75-44-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P096	7803-51-2	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester
P041	311-45-5	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester
P039	298-04-4	
P094	298-02-2	



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P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl]ester
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl)ester
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P097	52-85-7	Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl] O,O-dimethyl ester
P071	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester
P110	78-00-2	Plumbane, tetraethyl-
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide KCN
P099	506-61-6	Potassium silver cyanide
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime
P101	107-12-0	Propanenitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P081	55-63-0	1,2,3-Propanetriol, trinitrate- (R)
P107	598-31-2	2-Propanone, 1-bromo-
P102	107-19-7	Propargyl alcohol
P003	107-02-8	2-Propenal
P005	107-18-6	2-Propen-1-ol
P067	75-55-8	1,2-Propylenimine
P102	107-19-7	2-Propyn-1-ol
P008	504-24-5	4-Pyridinamine
P075	P54-11-5	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)- and salts
P114	12039-52-0	Selenious acid, dithallium (1+) salt
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide AgCN
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide NaCN
P108	P57-24-9	Strychnidin-10-one, and salts
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P108	P57-24-9	Strychnine and salts
P115	7446-18-6	Sulfuric acid, dithallium (1+) salt
P109	3689-24-5	Tetraethyldithiophosphosphate
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Tetraethylpyrophosphate
P112	509-14-8	Tetranitromethane (R)
P062	757-58-4	Tetrathosphoric acid, hexaethyl ester

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P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl <sub>2</sub> O <sub>3</sub>
P114	12039-52-0	Thallium (I) selenite
P115	7446-18-6	Thallium (I) sulfate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P045	39196-18-4	Thiofanox
P049	541-53-7	Thioimidodicarbonic diamide [(H <sub>2</sub> N)C(S)] <sub>2</sub>
P014	108-98-5	Thiophenol
P116	79-19-6	Thiosemicarbazide
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P072	86-88-4	Thiourea, 1-naphthalenyl-
P093	103-85-5	Thiourea, phenyl-
P123	8001-35-2	Toxaphene
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V <sub>2</sub> O <sub>5</sub>
P120	1314-62-1	Vanadium pentoxide
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P001	P81-81-2	Warfarin, and salts, when present at concentrations greater than 0.3%.
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide Zn(CN) <sub>2</sub>
P122	1314-84-7	Zinc phosphide Zn <sub>3</sub> P <sub>2</sub> , when present at concentrations greater than 10% (R,T)

f)

The commercial chemical products, manufacturing chemical intermediates or off-specification commercial chemical products referred to in subsections (a) through (d), are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in Section 721.105(a) and (g). These wastes and their corresponding EPA Hazardous Waste Numbers are:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability) and C (Corrosivity). Absence of a letter indicates that the compound is only listed for toxicity.

Hazardous Waste No.	Chemical Abstracts No.	Substance
U001	75-07-0	Acetaldehyde (I)
U034	75-87-6	Acetaldehyde, trichloro-
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-



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U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters
U112	141-78-6	Acetic acid, ethyl ester (I)
U144	301-04-2	Acetic acid, lead (2+) salt
U214	563-68-8	Acetic acid, thallium (1+) salt
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
U002	67-64-1	Acetone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone
U005	53-96-3	2-Acetylaminofluorene
U006	75-36-5	Acetyl chloride (C,R,T)
U007	79-06-1	Acrylamide
U008	79-10-7	Acrylic acid (I)
U009	107-13-1	Acrylonitrile
U011	61-82-5	Amitrole
U012	62-53-3	Aniline (I,T)
U136	75-60-5	Arsinic acid, dimethyl-
U014	492-80-8	Auramine
U015	115-02-6	Azaserine
U010	50-07-7	Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[[aminocarbonyl]-oxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1a-S-(1aalpha,8beta,8aalpha,8balpha)]-
U157	56-49-5	Benz[ <i>j</i> ]aceanthrylene, 1,2-dihydro-3-methyl-
U016	225-51-4	Benz(c)acridine
U017	98-87-3	Benzal chloride
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-
U018	56-55-3	Benz[ <i>a</i> ]anthracene
U094	57-97-6	Benz[ <i>a</i> ]anthracene, 7,12-dimethyl-
U012	62-53-3	Benzenamine (I,T)
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl-
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-
U328	95-53-4	Benzenamine, 2-methyl-
U353	106-49-0	Benzenamine, 4-methyl-
U158	101-14-4	Benzenamine, 4,4'-methylenebis[2-chloro-
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-
U019	71-43-2	Benzene (I,T)

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U038	510-15-6	Benzenecetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-
U035	305-03-3	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-
U037	108-90-7	Benzene, chloro-
U221	25376-45-8	Benzenediamine, ar-methyl-
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester
U070	95-50-1	Benzene, 1,2-dichloro-
U071	541-73-1	Benzene, 1,3-dichloro-
U072	106-46-7	Benzene, 1,4-dichloro-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro-
U017	98-87-3	Benzene, (dichloromethyl)-
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl- (R,T)
U239	1330-20-7	Benzene, dimethyl- (I,T)
U201	108-46-3	1,3-Benzenediol
U127	118-74-1	Benzene, hexachloro-
U056	110-82-7	Benzene, hexahydro- (I)
U220	108-88-3	Benzene, methyl-
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-
U055	98-82-8	Benzene, (1-methylethyl)- (I)
U169	98-95-3	Benzene, nitro-
U183	608-93-5	Benzene, pentachloro-
U185	82-68-8	Benzene, pentachloronitro-
U020	98-09-9	Benzenesulfonic acid chloride (C,R)
U020	98-09-9	Benzenesulfonyl chloride (C,R)
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-
U023	98-07-7	Benzene, (trichloromethyl)-
U234	99-35-4	Benzene, 1,3,5-trinitro-
U021	92-87-5	Benzidine
U202	P 81-07-2	1,2-Benzisothiazol-3(2H)-one, 1,1-di-oxide, and salts



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U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
U090	94-58-6	1,3-Benzodioxole, 5-propyl-
U064	189-55-9	Benzo[ <i>rst</i> ]pentaphene
U248	P 81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations of 0.3% or less
U022	50-32-8	Benzo[a]pyrene
U197	106-51-4	p-Benzoquinone
U023	98-07-7	Benzotrichloride (C,R,T)
U085	1464-53-5	2,2'-Bioxirane
U021	92-87-5	[1,1'-Biphenyl]-4,4'-diamine
U073	91-94-1	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-
U091	119-90-4	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-
U095	119-93-7	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-
U225	75-25-2	Bromoform
U030	101-55-3	4-Bromophenyl phenyl ether
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-
U031	71-36-3	1-Butanol (I)
U159	78-93-3	2-Butanone (I,T)
U160	1338-23-4	2-Butanone, peroxide (R,T)
U053	4170-30-3	2-Butenal
U074	764-41-0	2-Butene, 1,4-dichloro- (I,T)
U143	303-34-4	2-Butene, 1,4-dichloro- (I,T)
U031	71-36-3	2-Butenoic acid, 2-methyl-, 7-[[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[alpha](Z), 7(2S*,3R*), 7a(alpha)]-n-Butyl alcohol (I)
U136	75-60-5	Cacodylic acid
U032	13765-19-0	Calcium chromate
U238	51-79-6	Carbamic acid, ethyl ester
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester
U097	79-44-7	Carbamic chloride, dimethyl-
U114	P 111-54-6	Carbamothioic acid, 1,2-ethanedithiolbis-, salts and esters
U062	2303-16-4	Carbamothioic acid, bis(1-methyl-ethyl)-, S-(2,3-dichloro-2-propenyl) ester
U215	6533-73-9	Carbonic acid, dithallium (1+) salt
U033	353-50-4	Carbonic difluoride

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U156	79-22-1	Carbonochloridic acid, methyl ester (I,T)
U033	353-50-4	Carbon oxyfluoride (R,T)
U211	56-23-5	Carbon tetrachloride
U034	75-87-6	Chloral
U035	305-03-3	Chlorambucil
U036	57-74-9	Chlorodanealpa and gamma isomers
U026	494-03-1	Chloronaphazin
U037	108-90-7	Chlorobenzene
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U042	110-75-8	2-Chloroethyl vinyl ether
U044	67-66-3	Chloroform
U046	107-30-2	Chloromethyl methyl ether
U047	91-58-7	beta-Chloronaphthalene
U048	95-57-8	o-Chlorophenol
U049	3185-93-3	4-Chloro-o-toluidine, hydrochloride
U032	13765-19-0	Chromic acid H <sub>2</sub> CrO <sub>4</sub> , calcium salt
U050	218-01-9	Chrysene
U051		Creosote
U052	1319-77-3	Cresol (Cresylic acid)
U053	4170-30-3	Crotonaldehyde
U055	98-82-8	Cumene (I)
U246	506-68-3	Cyanogen bromide CNBr
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione
U056	110-82-7	Cyclohexane (I)
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta) a-
U057	108-94-1	Cyclohexanone (I)
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
U058	50-18-0	Cyclophosphamide
U240	P 94-75-7	2,4-D, salts and esters
U059	20830-81-3	Daunomycin
U060	72-54-8	DDD
U061	50-29-3	DDT
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz[a,h]anthracene
U064	189-55-9	Dibenzo[a,i]pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U069	84-74-2	Dibutyl phthalate
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	p-Dichlorobenzene
U073	91-94-1	3,3'-Dichlorobenzidine
U074	764-41-0	1,4-Dichloro-2-butene (I,T)
U075	75-71-8	Dichlorodifluoromethane





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U130	77-47-4	Hexachlorocyclopentadiene
U131	67-72-1	Hexachloroethane
U132	70-30-4	Hexachlorophene
U243	1888-71-7	Hexachloropropene
U133	302-01-2	Hydrazine (R,T)
U086	1615-80-1	Hydrazine, 1,2-diethyl-
U098	57-14-7	Hydrazine, 1,1-dimethyl-
U099	540-73-8	Hydrazine, 1,2-dimethyl-
U109	122-66-7	Hydrazine, 1,2-diphenyl-
U134	7664-39-3	Hydrofluoric acid (C,T)
U134	7664-39-3	Hydrogen fluoride (C,T)
U135	7783-06-4	Hydrogen sulfide
U135	7783-06-4	Hydrogen sulfide H <sub>2</sub> S
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl- (R)
U116	96-45-7	2-Imidazolidinethione
U137	193-39-5	Indeno[1,2,3-cd]pyrene
U190	85-44-9	1,3-Isobenzofurandione
U140	78-83-1	Isobutyl alcohol (I,T)
U141	120-58-1	Isosafrole
U142	143-50-0	Kepone
U143	303-34-4	Lasiocarpene
U144	301-04-2	Lead acetate
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-
U145	7446-27-7	Lead phosphate
U146	1335-32-6	Lead subacetate
U129	58-89-9	Lindane
U163	70-25-7	MNNG
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U149	109-77-3	Malononitrile
U150	148-82-3	Melphalan
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I,T)
U092	124-40-3	Methanamine, N-methyl- (I)
U029	74-83-9	Methane, bromo-
U045	74-87-3	Methane, chloro- (I,T)
U046	107-30-2	Methane, chloromethoxy-
U068	74-95-3	Methane, dibromo-
U080	75-09-2	Methane, dichloro-
U075	75-71-8	Methane, dichlorodifluoro-
U138	74-88-4	Methane, iodo-
U119	62-50-0	Methanesulfonic acid, ethyl ester
U211	56-23-5	Methane, tetrachloro-
U153	74-93-1	Methanethiol (I,T)
U225	75-25-2	Methane, tribromo-
U044	67-66-3	Methane, trichloro-
U121	75-69-4	Methane, trichlorofluoro-

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U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-
U154	67-56-1	Methanol (I)
U155	91-80-5	Methapyrilene
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]-pentalen-2-one, 1,1a,3,3a,4,5,5a,5b,6-decachloro-octahydro-
U247	72-43-5	Methoxychlor
U154	67-56-1	Methyl alcohol (I)
U029	74-83-9	Methyl bromide
U186	504-60-9	1-Methylbutadiene (I)
U045	74-87-3	Methyl chloride (I,T)
U156	79-22-1	Methyl chlorocarbonate (I,T)
U226	71-55-6	Methylchloroform
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)
U068	74-95-3	Methylene bromide
U080	75-09-2	Methylene chloride
U159	78-93-3	Methyl ethyl ketone (MEK) (I,T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R,T)
U161	74-88-4	Methyl iodide
U161	108-10-1	Methyl isobutyl ketone (I)
U162	80-62-6	Methyl methacrylate (I,T)
U161	108-10-1	4-Methyl-2-pentanone (I)
U164	56-04-2	Methylthiouracil
U010	50-07-7	Mitomycin C
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexapyranosyl]oxyl]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-
U167	134-32-7	1-Naphthalenamine
U168	91-59-8	2-Naphthalenamine
U026	494-03-1	Naphthaleneamine, N,N'-bis(2-chloro-ethyl)-
U165	91-20-3	Naphthalene
U047	91-58-7	Naphthalene, 2-chloro-
U166	130-15-4	1,4-Naphthalenedione
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-1,1'-biphenyl)-4,4'-diyl]bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	alpha-Naphthylamine
U168	91-59-8	beta-Naphthylamine
U217	10102-45-1	Nitric acid, thallium (1+) salt
U169	98-95-3	Nitrobenzene (I,T)

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U170	100-02-7	P-Nitrophenol
U171	79-46-9	2-Nitropropane (I,T)
U172	924-16-3	N-Nitrosodi-n-butylamine
U173	1116-54-7	N-Nitrosodiethanolamine
U174	55-18-5	N-Nitrosodiethylamine
U176	759-73-9	N-Nitroso-N-ethylurea
U177	684-93-5	N-Nitroso-N-methylurea
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U180	930-55-2	N-Nitrosopyrrolidine
U181	99-55-8	5-Nitro-o-toluidine
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide
U115	75-21-8	Oxirane (I,T)
U126	765-34-4	Oxiranecarboxaldehyde
U041	106-89-8	Oxirane, (chloromethyl)-
U182	123-63-7	Paraldehyde
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Pentachloroethane
U185	82-68-8	Pentachloronitrobenzene (PCNB)
See F027	87-86-5	Pentachlorophenol
U161	108-10-1	Pentanol, 4-methyl-
U186	504-60-9	1,3-Pentadiene (I)
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U048	95-57-8	Phenol, 2-chloro-
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	Phenol, 2,6-dichloro-
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-
U101	105-67-9	Phenol, 2,4-dimethyl-
U052	1319-77-3	Phenol, methyl-
U132	70-30-4	Phenol, 2,2'-methylenebis(3,4,6-trichloro-
U170	100-02-7	Phenol, 4-nitro-
See F027	87-86-5	Phenol, pentachloro-
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-
See F027	95-95-4	Phenol, 2,4,5-trichloro-
See F027	88-06-2	Phenol, 2,4,6-trichloro-
U150	148-82-3	L-Phenylalanine, 4-[bis(2-chloro-ethyl)amino]-
U145	7446-27-7	Phosphoric acid, lead (2+) salt (2:3)
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester
U189	1314-80-3	Phosphorus sulfide (R)
U190	85-44-9	Phthalic anhydride

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U191	109-06-8	2-Picoline
U179	100-75-4	Piperidine, 1-nitroso-
U192	23950-58-5	Pronamide
U194	107-10-8	1-Propanamine (I,T)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-
U110	142-84-7	1-Propanamine, N-propyl- (I)
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U083	78-87-5	Propane, 1,2-dichloro-
U149	109-77-3	Propanedinitrile
U171	79-46-9	Propane, 2-nitro- (I,T)
U027	108-60-1	Propane, 2,2'-oxybis[2-chloro-
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichloro-phenoxy)-
U193	1120-71-4	1,3-Propane sultone
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U140	78-83-1	1-Propanol, 2-methyl- (I,T)
U002	67-64-1	2-Propanone (I)
U007	79-06-01	2-Propenamide
U084	542-75-6	1-Propene, 1,3-dichloro-
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	107-13-1	2-Propenenitrile
U152	126-98-7	2-Propenenitrile, 2-methyl- (I,T)
U008	79-10-7	2-Propenoic acid (I)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I,T)
See F027	93-72-1	Propionic acid, 2-(2,4,5-trichloro-phenoxy)-
U194	107-10-8	n-Propylamine (I,T)
U083	78-87-5	Propylene dichloride
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U196	110-86-1	Pyridine
U191	109-06-8	Pyridine, 2-methyl-
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-
U164	58-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
U180	930-55-2	Pyrrolidine, 1-nitroso-
U200	50-55-5	Reserpine
U201	108-46-3	Resorcinol
U202	P 81-07-2	Saccharin and salts
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U204	7783-00-8	Selenium dioxide
U205	7488-56-4	Selenium sulfide



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U205 7488-56-4 Selenium sulfide  $\text{Se}_2$  (R,T)  
 U015 115-02-6 L-Serine, diazoacetate (ester)  
 See F027 93-72-1 Silvex (2,4,5-TP)  
 U206 18883-66-4 Streptozotocin  
 U103 77-78-1 Sulfuric acid, dimethyl ester  
 U189 1314-80-3 Sulfur phosphide (R)  
 See F027 93-76-5 2,4,5-T  
 U207 95-94-3 1,2,4,5-Tetrachlorobenzene  
 U208 630-20-6 1,1,1,2-Tetrachloroethane  
 U209 79-34-5 1,1,2,2-Tetrachloroethane  
 U210 127-18-4 Tetrachloroethylene  
 See F027 58-90-2 2,3,4,6-Tetrachlorophenol  
 U213 109-99-9 Tetrahydrofuran (I)  
 U214 563-68-8 Thallium (I) acetate  
 U215 6533-73-9 Thallium (I) carbonate  
 U216 791-12-0 Thallium (I) chloride  
 U216 7791-12-0 Thallium chloride TlCl  
 U217 10102-45-1 Thallium (I) nitrate  
 U218 62-55-5 Thioacetamide  
 U153 74-93-1 Thiomethanol (I,T)  
 U244 137-26-8 Thioperoxycarbonic diamide  
 [(H<sub>2</sub>N)C(S)<sub>2</sub>S<sub>2</sub>, tetramethyl-  
 Thiourea  
 Thiram  
 62-56-6  
 137-26-8  
 108-88-3 Toluene  
 25376-45-8 Toluenediamine  
 26471-62-5 Toluene diisocyanate (R,T)  
 95-53-4 o-Toluidine  
 106-49-0 p-Toluidine  
 636-21-5 o-Toluidine hydrochloride  
 61-82-5 1H-1,2,4-Triazol-3-amine  
 79-00-5 1,1,2-Trichloroethane  
 79-01-6 Trichloroethylene  
 75-69-4 Trichloromonofluoromethane  
 95-95-4 2,4,5-Trichlorophenol  
 88-06-2 2,4,6-Trichlorophenol  
 99-35-4 1,3,5-Trinitrobenzene (R,T)  
 123-63-7 1,3,5-Trioxane, 2,4,6-trimethyl-  
 126-72-7 Tris(2,3-dibromopropyl) phosphate  
 72-57-1 Trypan blue  
 66-75-1 Uracil mustard  
 759-73-9 Urea, N-ethyl-N-nitroso-  
 684-93-5 Urea, N-methyl-N-nitroso-  
 75-01-4 Vinyl chloride  
 P 81-81-2 Warfarin, and salts, when present at  
 concentrations of 0.3% or less  
 1330-20-7 Xylene (I)

U200 50-55-5 Yohimban-16-carboxylic acid, 11,17-di-  
 methoxy-18-[(3,4,5-trimethoxybenzoyl)-  
 oxy]-, methyl ester,  
 (3beta,16beta,17alpha,18beta,20alpha)-  
 Zinc phosphide  $\text{Zn}_3\text{P}_2$ , when present at  
 concentrations of 10% or less  
 U249 1314-84-7  
 (Source: Amended at 15 Ill. Reg.  
 , effective )

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## Section 721. Appendix C Chemical Analysis Test Methods

The Board incorporates by reference 40 CFR 261, Appendix III (1989), as amended at 54 Fed. Reg. 41407, October 6, 1989, and as amended at 55 Fed. Reg. 8948, March 9, 1990 and at 55 Fed. Reg. 18496, May 2, 1990. This Section incorporates no future editions or modifications.

(Source: Amended at 15 Ill. Reg. , effective )

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## Section 721. Appendix G Basis for Listing Hazardous Wastes

EPA Hazardous Constituents for which Listed Hazardous Waste No.

F001 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons.

F002 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane.

F003 N.A.

F004 Cresols and cresylic acid, nitrobenzene.

F005 Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, 2-ethoxyethanol, benzene, 2-nitropropane

F006 Cadmium, hexavalent chromium, nickel, cyanide (complexed).

F007 Cyanide (salts).

F008 Cyanide (salts).

F009 Cyanide (salts).

F010 Cyanide (salts).

F011 Cyanide (salts).

F012 Cyanide (complexed).

F019 Hexavalent chromium, cyanide (complexed).

F020 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.

F021 Penta- and hexachlorodibenzo-p-dioxins; penta- and hexachlorodibenzofurans; pentachlorophenol and its derivatives.

F022 Tetra-, penta- and hexachlorodibenzo-p-dioxins; tetra-, penta- and hexachlorodibenzofurans.



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F023 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzo-furans; tri- and tetra- chlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.

F024 Chloromethane, dichloromethane, trichloromethane, carbon tetrachloride, chloroethylene, 1,1-dichloroethane, 1,2-dichloroethane, trans-1,2-dichloroethylene, 1,1-dichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethylene, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, tetrachloroethylene, pentachloroethane, hexachloroethane, allyl chloride (3-chloropropene), dichloropropane, dichloropropene, 2-chloro-1,3-butadiene, hexachloro-1,3-butadiene, hexachlorocyclopentadiene, hexachlorocyclohexane, benzene, chlorobenzene, dichlorobenzenes, 1,2,4-trichlorobenzene, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, toluene, naphthalene.

F025 Chloromethane, dichloromethane, trichloromethane; carbon tetrachloride; chloroethylene; 1,1-dichloroethane; 1,2-dichloroethane; trans-1,2-dichloroethylene; 1,1-dichloroethylene; 1,1,1-trichloroethane; 1,1,2-trichloroethane; trichloroethylene; 1,1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane; tetrachloroethylene; pentachloroethane; hexachloroethane; allyl chloride (3-chloropropene); dichloropropane; dichloropropene; 2-chloro-1,3-butadiene; hexachloro-1,3-butadiene; hexachlorocyclopentadiene; benzene; chlorobenzene; dichlorobenzenes; 1,2,4-trichlorobenzenes; tetrachlorobenzene; pentachlorobenzene; hexachlorobenzene; toluene; naphthalene.

F026 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans.

F027 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.

F028 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.

F039 All constituents for which treatment standards are specified for multi-source leachate (wastewaters and non-wastewaters) under 35 Ill. Adm. Code 728. Table B (Constituent Concentrations in Waste)

K001 Pentachlorophenol, phenol, 2-chlorophenol, p-chloro-m-cresol, 2,4-dimethylphenol, 2,4-dinitrophenol, trichlorophenols, tetrachlorophenols, 2,4-dinitrophenol, cresosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benz(a)anthracene, dibenz(a)anthracene, acenaphthalene.

K002 Hexavalent chromium, lead.

K003 Hexavalent chromium, lead.

K004 Hexavalent chromuim.

K005 Hexavalent chromium, lead.

K006 Hexavalent chromium.

K007 Cyanide (complexed), hexavalent chromium.

K008 Hexavalent chromium.

K009 Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid.

K010 Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid, chloroacetaldehyde.

K011 Acrylonitrile, acetonitrile, hydrocyanic acid.

K013 Hydro cyanic acid, acrylonitrile, acetonitrile.

K014 Acetonitrile, acrylamide.

K015 Benzyl chloride, chlorobenzene, toluene, benzotrithloride.

K016 Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride, hexachloroethane, perchloroethylene.

K017 Epichlorohydrin, chloroethers [bis(chloromethyl) ether and bis-(chloroethyl) ethers], trichloropropane, dichloropropanols.

K018 1,2-dichloroethane, trichloroethylene, hexachlorobutadiene, hexachlorobenzene.

K019 Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.

K020 Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloro-ethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.

K021 Antimony, carbon tetrachloride, chloroform.

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- K022 Phenol, tars (polycyclic aromatic hydrocarbons).
- K023 Phthalic anhydride, maleic anhydride.
- K024 Phthalic anhydride, 1,4-naphthoquinone.
- K025 Meta-dinitrobenzene, 2,4-dinitrotoluene.
- K026 Paraldehyde, pyridines, 2-picoline.
- K027 Toluene diisocyanate, toluene-2, 4-diamine.
- K028 1,1,1-trichloroethane, vinyl chloride.
- K029 1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, vinylidene chloride, chloroform.
- K030 Hexachlorobenzene, hexachlorobutadiene, hexachloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, ethylene dichloride.
- K031 Arsenic.
- K032 Hexachlorocyclopentadiene.
- K033 Hexachlorocyclopentadiene.
- K034 Hexachlorocyclopentadiene.
- K035 Creosote, chrysene, naphthalene, fluoranthene, benzo(b) fluoranthene, benzo(a)-pyrene, indeno(1,2,3-cd) pyrene, benzo(a)anthracene, dibenzo(a)anthracene, acenaphthalene.
- K036 Toluene, phosphorodithioic and phosphorothioic acid esters.
- K037 Toluene, phosphorodithioic and phosphorothioic acid esters.
- K038 Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
- K039 Phosphorodithioic and phosphorothioic acid esters.
- K040 Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
- K041 Toxaphene.
- K042 Hexachlorobenzene, ortho-dichlorobenzene.

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- K043 2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol.
- K044 N.A.
- K045 N.A.
- K046 Lead
- K047 N.A.
- K048 Hexavalent chromium, lead.
- K049 Hexavalent chromium, lead.
- K050 Hexavalent chromium.
- K051 Hexavalent chromium, lead.
- K052 Lead
- K060 Cyanide, naphthalene, phenolic compounds, arsenic.
- K061 Hexavalent chromium, lead, cadmium.
- K062 Hexavalent chromium, lead.
- K064 Lead, cadmium
- K065 Lead, cadmium
- K066 Lead, cadmium
- K069 Hexavalent chromium, lead, cadmium.
- K071 Mercury.
- K073 Chloroform, carbon tetrachloride, hexachloroethane, trichloroethane, tetrachloroethylene, dichloroethylene, 1,1,2,2-tetrachloroethane.
- K083 Aniline, diphenylamine, nitrobenzene, phenylenediamine.
- K084 Arsenic.
- K085 Benzene, dichlorobenzenes, trichlorobenzenes, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, benzyl chloride.
- K086 Lead, hexavalent chromium.



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- K087 Phenol, naphthalene.
- K088 Cyanide (complexes)
- K090 Chromium
- K091 Chromium
- K093 Phthalic anhydride maleic anhydride.
- K094 Phthalic anhydride.
- K095 1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane.
- K096 1,2-dichloroethane, 1,1,1,-trichloroethane, 1,1,2-trichloroethane.
- K097 Chlordane, heptachlor.
- K098 Toxaphene.
- K099 2,4-dichlorophenol, 2,4,6-trichlorophenol.
- K100 Hexavalent chromium, lead, cadmium.
- K101 Arsenic.
- K102 Arsenic.
- K103 Aniline, nitrobenzene, phenylenediamine.
- K104 Aniline, benzene, diphenylamine, nitrobenzene, phnylenediamine.
- K105 Benzene, monochlorobenzene, dichlorobenzenes, 2,4,6-trichlorophenol.
- K106 Mercury.
- K107 1,1-Dimethylhydrazine (UDMH)
- K108 1,1-Dimethylhydrazine (UDMH)
- K109 1,1-Dimethylhydrazine (UDMH)
- K110 1,1-Dimethylhydrazine (UDMH)
- K111 2,4-Dinitrotoluene.
- K112 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.

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- K113 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
- K114 2,4-Toluenediamine, o-toluidine, p-toluidine.
- K115 2,4-Toluenediamine.
- K116 Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene.
- K117 Ethylene dibromide
- K118 Ethylene dibromide
- K123 Ethylene thiourea
- K124 Ethylene thiourea
- K125 Ethylene thiourea
- K126 Ethylene thiourea
- K131 Dimethyl sulfate, methyl bromide
- K132 Methyl bromide
- K136 Ethylene dibromide
- N.A.--Waste is hazardous because it fails the test for the characteristic of ignitability, corrosivity or reactivity.
- (Source: Amended at 15 Ill. Reg. , effective )

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- 1) Heading of the Part: INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

2) Code Citation: 35 Ill. Adm. Code 725

3) Section Numbers: Proposed Action:

725.101	Amendment
725.113	Amendment
725.115	Amendment
725.173	Amendment
725.177	Amendment
725.329	Amendment
725.356	Amendment
725.381	Amendment
725.412	Amendment
725.416	Amendment
725.930	New Section
725.931	New Section
725.932	New Section
725.933	New Section
725.934	New Section
725.935	New Section
725.935	New Section
725.950	New Section
725.951	New Section
725.952	New Section
725.953	New Section
725.954	New Section
725.955	New Section
725.956	New Section
725.957	New Section
725.958	New Section
725.959	New Section
725.960	New Section
725.961	New Section
725.962	New Section
725.963	New Section
725.964	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

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The Board adopted a Proposed Opinion and Order in this matter, R90-11, on December 20, 1990. A copy of the Proposed Opinion is available at the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par 1022.4(a)) requires the Board to adopt regulations which are identical in substance to regulations promulgated by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found in 40 CFR 260 through 270. The equivalent Board regulations are found in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments during the period April 1 through June 30, 1990. The amendments to Part 725 are summarized as follows:

Section	Summary
725.101	Reference added to land disposal requirements in 35 Ill. Adm. Code 728.
725.113 - 725.177	References added to process vent and equipment leak standards in 35 Ill. Adm. Code 725.Subparts AA and BB.
725.329 - 725.381	References added to the land disposal restrictions in 35 Ill. Adm. Code 728.
725.412 -725.416	References added to the land disposal restrictions in 35 Ill. Adm. Code 728.
Subparts AA and BB	New rules governing air emissions from process vents and equipment leaks at interim status hazardous waste management facilities.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.



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- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-11 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 14, 1990.

- B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which treat, store or dispose of hazardous waste in interim status facilities. The amendments affect small businesses which have hazardous waste management units with process vents or equipment leaks. The amendments also add additional limitations on the disposal of wastes in lab packs.

- C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analysis and maintenance of operating records. This rulemaking establishes new bookkeeping, reporting and other procedures for businesses with

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hazardous waste management units with process vents or equipment leaks.

- D) Types of professional skills required for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. The amendments require special expertise in measurement of air pollution from hazardous waste operations.

The full text of the Proposed Amendments begins on the next page:

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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS  
WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

## SUBPART A: GENERAL PROVISIONS

Section	
725.101	Purpose, Scope and Applicability
725.104	Imminent Hazard Action

## SUBPART B: GENERAL FACILITY STANDARDS

Section	
725.110	Applicability
725.111	USEPA Identification Number
725.112	Required Notices
725.113	General Waste Analysis
725.114	Security
725.115	General Inspection Requirements
725.116	Personnel Training
725.117	General Requirements for Ignitable, Reactive or Incompatible Wastes
725.118	Location Standards

## SUBPART C: PREPAREDNESS AND PREVENTION

Section	
725.130	Applicability
725.131	Maintenance and Operation of Facility
725.132	Required Equipment
725.133	Testing and Maintenance of Equipment
725.134	Access to Communications or Alarm System
725.135	Required Aisle Space
725.137	Arrangements with Local Authorities

## SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section	
725.150	Applicability
725.151	Purpose and Implementation of Contingency Plan
725.152	Content of Contingency Plan
725.153	Copies of Contingency Plan
725.154	Amendment of Contingency Plan
725.155	Emergency Coordinator
725.156	Emergency Procedures

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## SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section	
725.170	Applicability
725.171	Use of Manifest System
725.172	Manifest Discrepancies
725.173	Operating Record
725.174	Availability, Retention and Disposition of Records
725.175	Annual Report
725.176	Unmanifested Waste Report
725.177	Additional Reports

## SUBPART F: GROUNDWATER MONITORING

Section	
725.190	Applicability
725.191	Groundwater Monitoring System
725.192	Sampling and Analysis
725.193	Preparation, Evaluation and Response
725.194	Recordkeeping and Reporting

## SUBPART G: CLOSURE AND POST-CLOSURE

Section	
725.210	Applicability
725.211	Closure Performance Standard
725.212	Closure Plan; Amendment of Plan
725.213	Closure; Time Allowed for Closure
725.214	Disposal or Decontamination of Equipment, Structures and Soils
725.215	Certification of Closure
725.216	Survey Plat
725.217	Post-closure Care and Use of Property
725.218	Post-closure Plan; Amendment of Plan
725.219	Post-Closure Notices
725.220	Certification of Completion of Post-Closure Care

## SUBPART H: FINANCIAL REQUIREMENTS

Section	
725.240	Applicability
725.241	Definitions of Terms as Used in this Subpart
725.242	Cost Estimate for Closure
725.243	Financial Assurance for Closure
725.244	Cost Estimate for Post-closure Care
725.245	Financial Assurance for Post-closure Monitoring and Maintenance
725.246	Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
725.247	Liability Requirements
725.248	Incapacity of Owners or Operators, Guarantors or Financial Institutions
725.251	Promulgation of Forms (Repealed)



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## SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section	
725.270	Applicability
725.271	Condition of Containers
725.272	Compatibility of Waste with Container
725.273	Management of Containers
725.274	Inspections
725.276	Special Requirements for Ignitable or Reactive Waste
725.277	Special Requirements for Incompatible Wastes
	SUBPART J: TANK SYSTEMS
Section	
725.290	Applicability
725.291	Assessment of Existing Tank System's Integrity
725.292	Design and Installation of New Tank Systems or Components
725.293	Containment and Detection of Releases
725.294	General Operating Requirements
725.295	Inspections
725.296	Response to leaks or spills and disposition of Tank Systems
725.297	Closure and Post-Closure Care
725.298	Special Requirements for Ignitable or Reactive Waste
725.299	Special Requirements for Incompatible Wastes
725.300	Waste Analysis and Trial Tests
725.301	Generators of 100 to 1000 kg/mo.

## SUBPART K: SURFACE IMPOUNDMENTS

Section	
725.320	Applicability
725.321	Design Requirements
725.322	General Operating Requirements
725.323	Containment System
725.325	Waste Analysis and Trial Tests
725.326	Inspections
725.328	Closure and Post-Closure Care
725.329	Special Requirements for Ignitable or Reactive Waste
725.330	Special Requirements for Incompatible Wastes

## SUBPART L: WASTE PILES

Section	
725.350	Applicability
725.351	Protection from Wind
725.352	Waste Analysis
725.353	Containment
725.354	Design Requirements
725.356	Special Requirements for Ignitable or Reactive Waste
725.357	Special Requirements for Incompatible Wastes
725.358	Closure and Post-Closure Care

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## SUBPART M: LAND TREATMENT

Section	
725.370	Applicability
725.372	General Operating Requirements
725.373	Waste Analysis
725.376	Food Chain Crops
725.378	Unsaturated Zone (Zone of Aeration) Monitoring
725.379	Recordkeeping
725.380	Closure and Post-closure
725.381	Special Requirements for Ignitable or Reactive Waste
725.382	Special Requirements for Incompatible Wastes

## SUBPART N: LANDFILLS

Section	
725.400	Applicability
725.401	Design Requirements
725.402	General Operating Requirements
725.409	Surveying and Recordkeeping
725.410	Closure and Post-Closure
725.412	Special Requirements for Ignitable or Reactive Waste
725.413	Special Requirements for Incompatible Wastes
725.414	Special Requirements for Liquid Wastes
725.415	Special Requirements for Containers
725.416	Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

## SUBPART O: INCINERATORS

Section	
725.440	Applicability
725.441	Waste Analysis
725.445	General Operating Requirements
725.447	Monitoring and Inspection
725.451	Closure
725.452	Interim Status Incinerators Burning Particular Hazardous Wastes

## SUBPART P: THERMAL TREATMENT

Section	
725.470	Other Thermal Treatment
725.473	General Operating Requirements
725.475	Waste Analysis
725.477	Monitoring and Inspections
725.481	Closure
725.482	Open Burning; Waste Explosives
725.483	Interim Status Thermal Treatment Devices Burning Particular Hazardous Waste

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SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

Section  
725.500 Applicability  
725.501 General Operating Requirements  
725.502 Waste Analysis and Trial Tests  
725.503 Inspections  
725.504 Closure  
725.505 Special Requirements for Ignitable or Reactive Waste  
725.506 Special Requirements for Incompatible Wastes

SUBPART R: UNDERGROUND INJECTION

Section  
725.530 Applicability  
  
SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section  
725.930 Applicability  
725.931 Definitions  
725.932 Standards: Process Vents  
725.933 Standards: Closed-vent Systems and Control Devices  
725.934 Test methods and procedures  
725.935 Recordkeeping Requirements

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section  
725.950 Applicability  
725.951 Definitions  
725.952 Standards: Pumps in Light Liquid Service  
725.953 Standards: Compressors  
725.954 Standards: Pressure Relief Devices in Gas/Vapor Service  
725.955 Standards: Sampling Connecting Systems  
725.956 Standards: Open-ended Valves or Lines  
725.957 Standards: Valves in Gas/Vapor or Light Liquid Service  
725.958 Standards: Pumps, Valves, Pressure Relief Devices, Flanges and Other Connectors  
725.959 Standards: Delay of Repair  
725.960 Standards: Closed-vent Systems and Control Devices  
725.961 Percent Leakage Alternative for Valves  
725.962 Skip Period Alternative for Valves  
725.963 Test Methods and Procedures  
725.964 Recordkeeping Requirements

Appendix A Recordkeeping Instructions  
Appendix B EPA Report Form and Instructions (Repealed)  
Appendix C EPA Interim Primary Drinking Water Standards  
Appendix D Tests for Significance  
Appendix E Examples of Potentially Incompatible Waste

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AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111-1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. , effective

SUBPART A: GENERAL PROVISIONS

Section 725.101 Purpose, Scope and Applicability

a) The purpose of this Part is to establish minimum standards which define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

b) The standards in this Part apply to owners and operators of facilities which treat, store or dispose of hazardous waste who have fully complied with the requirements for interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.) and 35 Ill. Adm. Code 703, until either a permit is issued under Section 3005 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure responsibilities under this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980, who have failed to provide timely notification as required by Section 3010(a) of RCRA, or failed to file Part A of the Permit Application as required by 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152. These standards apply to all treatment, storage or disposal of hazardous waste at these



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facilities after November 19, 1980, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721;

BOARD NOTE: As stated in Section 3005(a) of RCRA, after the effective date of regulations under that Section, i.e., 40 CFR 270 and 124, the treatment, storage or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner's and operator's permit application is made. 35 Ill. Adm. Code 703.140 et seq. provide that a permit is deemed issued under Section 21(f)(1) of the Environmental Protection Act under conditions similar to federal interim status.

c) The requirements of this Part do not apply to:

- 1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434; 33 U.S.C. 1401);

BOARD NOTE: This Part applies to the treatment or storage of hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in subsection (b).

- 3) The owner or operator of a POTW (publicly owned treatment works) which treats, stores or disposes of hazardous waste;

BOARD NOTE: The owner or operator of a facility under subsections (c)(1) through (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person under 35 Ill. Adm. Code 702 and 703 or are required by 35 Ill. Adm. Code 704.Subpart F.

- 5) The owner or operator of a facility permitted, licensed or registered by Illinois to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105;

- 6) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) and (3) (except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, D, F or G;

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- 7) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134, except to the extent the requirements are included in 35 Ill. Adm. Code 722.134;
- 8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;
- 9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
- 10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 35 Ill. Adm. Code 720.110;

11) Immediate response:

- A) Except as provided in subsection (c)(11)(B), a person engaged in treatment or containment activities during immediate response to any of the following situations:
  - i) A discharge of a hazardous waste;
  - ii) An imminent and substantial threat of a discharge of a hazardous waste;
  - iii) A discharge of a material which, when discharged, becomes a hazardous waste.
- B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D.
- C) Any person who is covered by subsection (c)(11)(A) and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703 and 705 for those activities.

- 12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.

- 13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110), or the addition of waste to the absorbent material in a container, provided that these actions occur at the time waste is first placed



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in the containers; and Sections 725.117(b), 725.271 and 725.272 are complied with.

- d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: hazardous waste numbers F020, F021, F022, F023, F026 or F027 unless:

- 1) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;
- 2) The waste is stored in tanks or containers;
- 3) The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) as well as all other applicable requirements of Subpart L;
- 4) The waste is burned in incinerators that are certified pursuant to the standards and procedures in Section 725.452; or
- 5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in Section 725.483.

- e) This Part applies to owners and operators of facilities which treat, store or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.

- f) 35 Ill. Adm. Code 700 contains rules concerning application of other Board regulations.

(Source: Amended at 15 Ill. Reg. , effective )

SUBPART B: GENERAL FACILITY STANDARDS

Section 725.113 General Waste Analysis

- a) Waste analysis:

- 1) Before an owner or operator treats, stores or disposes of any hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a

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representative sample of the waste. At a minimum, this analysis must contain all the information which must be known to treat, store or dispose of the waste in accordance with the requirements of this Part and 35 Ill. Adm. Code 728.

- 2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on waste generated from similar processes.

BOARD NOTE: For example, the facility's record of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with subsection (a)(1), except as otherwise specified in 35 Ill. Adm. Code 728.107(b) and (c). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1). If the generator does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

- 3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:

- A) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), has changed; and
- B) For off-site facilities, when the results of the inspection required in subsection (a)(4) indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

- 4) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.



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- b) The owner or operator shall develop and follow a written waste analysis plan which describes the procedures which the owner or operator will carry out to comply with subsection (a). The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:
- 1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a).
  - 2) The test methods which will be used to test for these parameters.
  - 3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:
    - A) One of the sampling methods described in 35 Ill. Adm. Code 721.Appendix A or
    - B) An equivalent sampling method.
- BOARD NOTE: See 35 Ill. Adm. Code 720.120(c) for related discussion.
- 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date.
  - 5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.
  - 6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 725.293, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, and 725.502, 725.934(d) and 725.963(d), and 35 Ill. Adm. Code 728.107. And,
  - 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:
    - A) The sampling of impoundment contents;

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- B) The analysis of test data; and,
- C) The annual removal of residues which are not delisted under 35 Ill. Adm. Code 720.122 or which exhibit a characteristic of hazardous waste, and either:
  - i) Do not meet applicable treatment standards of 35 Ill. Adm. Code 728.Subpart D; or
  - ii) Where no treatment standards have been established: Such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139; or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).
- C) For off-site facilities, the waste analysis plan required in subsection (b) must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:
  - 1) The procedures which will be used to determine the identity of each movement of waste managed at the facility; and
  - 2) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.

(Source: Amended at 15 Ill. Reg. , effective )

Section 725.115 General Inspection Requirements

  - a) The owner or operator shall inspect the facility for malfunctions and deterioration, operator errors and discharges which may be causing -- or may lead to -- the conditions listed below. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.
    - 1) Release of hazardous waste constituents to the environment or
    - 2) A threat to human health.
  - b) 1) The owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and

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emergency equipment, security devices and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting or responding to environmental or human health hazards.

- 2) The owner or operator shall keep this schedule at the facility.
- 3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).
- 4) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in Sections 725.274, 725.293, 725.295, 725.326, 725.447, 725.477, and 725.503, 725.933, 725.952, 725.953 and 725.958.

c) The owner or operator shall remedy any deterioration or malfunction of equipment or structure which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

d) The owner or operator shall record inspections in an inspection log or summary. The owner or operator shall keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date and nature of any repairs or other remedial actions.

(Source: Amended at 15 Ill. Reg. , effective )

## SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

## Section 725.173 Operating Record

a) The owner or operator shall keep a written operating record at the facility.

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b) The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility.

- 1) A description and the quantity of each hazardous waste received and the method or methods and date or dates of its treatment, storage or disposal at the facility as required by Appendix A;
- 2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities this information must include cross-references to specific manifest document numbers if the waste was accompanied by a manifest;

BOARD NOTE: See Sections 725.219, 725.379 and 725.409 for related requirements.

3) Records and results of waste analysis and trial tests performed as specified in Sections 725.113, 725.293, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, and 725.502, 725.934 and 725.963 and 35 Ill. Adm. Code 728.104(a) and 728.107;

4) Summary reports and details of all incidents that require implementing the contingency plan as specified in Section 725.156(j);

5) Records and results of inspections as required by Sections 725.115(d) (except these data need be kept only three years);

6) Monitoring, testing or analytical data where required by Sections 725.190, 725.194, 725.291, 725.293, 725.295, 725.376, 725.378, 725.380(d)(1), 725.447, and 725.477, 725.934(c) through (f), 725.935, 725.963(d) through (i) and 725.964;

BOARD NOTE: As required by Section 725.194, monitoring data at disposal facilities must be kept throughout the post-closure period.

7) All closure cost estimates under Section 725.242 and, for disposal facilities, all post-closure cost estimates under Section 725.244;



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8) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition pursuant to 35 Ill. Adm. Code 728.106 or a certification under 35 Ill. Adm. Code 728.108, and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a);

9) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

10) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

11) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108, whichever is applicable; and

12) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration, if applicable, required under 35 Ill. Adm. Code 728.108, whichever is applicable.

13) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; and,

14) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108.

(Source: Amended at 15 Ill. Reg. , effective )

In addition to submitting the annual report and unmanifested waste reports described in §§Sections 725.175 and 725.176, the owner or operator must also report to the Director:

- Releases, fires and explosions as specified in §Section 725.156(j);
- Groundwater contamination and monitoring data as specified in §Section 725.193 and 725.194; and
- Facility closure as specified in §Section 725.215-f and
- As otherwise required by Subparts AA and BB.

(Source: Amended at 15 Ill. Reg. , effective )

SUBPART K: SURFACE IMPOUNDMENTS

Section 725.329 Special Requirements for Ignitable or Reactive Waste

Ignitable or reactive waste must not be placed in a surface impoundment, unless the waste and impoundment satisfy all applicable requirements of 35 Ill. Adm. Code 728, and:

- The waste is treated, rendered or mixed before or immediately after placement in the impoundment so that
    - The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and
  - Section 725.117(b) is complied with; or
- b) Management conditions.
- The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; and
  - The owner or operator obtains a certification from a qualified chemist or engineer that, to the best of the chemist or engineer's knowledge and opinion, the design features or operating plans of the facility will prevent ignition or reaction; and

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- 3) The certification and the basis for it are maintained at the facility; or

- c) The surface impoundment is used solely for emergencies.

(Source: Amended at 15 Ill. Reg. , effective )

## SUBPART L: WASTE PILES

## Section 725.356 Special Requirements for Ignitable or Reactive Waste

Ignitable or reactive wastes must not be placed in a pile unless the waste and pile meet all applicable requirements of 35 Ill. Adm. Code 728, and:

- a) Addition of the waste to an existing pile;

- 1) Results in the waste or mixture no longer meeting the definition of ignitable or reactive waste under ~~§§35 Ill. Adm. Code 721.121 or 721.123~~; and

- 2) Complies with §Section 725.117(b); or

- b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

(Source: Amended at 15 Ill. Reg. , effective )

## SUBPART M: LAND TREATMENT

## Section 725.381 Special Requirements for Ignitable or Reactive Waste

~~Ignitable or reactive wastes must not be land treated unless the owner or operator shall not apply ignitable or reactive waste to the treatment zone unless the waste and treatment zone meet all applicable requirements of 35 Ill. Adm. Code 728, and:~~

- a) The waste is immediately incorporated into the soil so that:

- 1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under ~~Section 725.121 or 35 Ill. Adm. Code 721.121 or 721.123~~; and

- 2) Section ~~725.117(b)~~ is complied with; or

- b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

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(Source: Amended at 15 Ill. Reg. , effective )

## SUBPART N: LANDFILLS

## Section 725.412 Special Requirements for Ignitable or Reactive Waste

- a) Except as provided in ~~paragraph~~ subsection (b) and in Section 725.416, ignitable or reactive waste must not be placed in a landfill, unless the waste and landfill meets all applicable requirements of 35 Ill. Adm. Code 728, and the waste is treated, rendered or mixed before or immediately after placement in a landfill so that:

- 1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and

- 2) Section 725.117(b) is complied with.

- b) ~~Except for prohibited wastes which remain subject to treatment standards in 35 Ill. Adm. Code 728. Subpart D, ignitable waste in containers may be landfilled without meeting the requirements of paragraph subsection (a), provided that the wastes are disposed of in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes must be disposed of in non-leaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture or any other condition that might cause ignition of the wastes; must be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and must not be disposed in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.~~

(Source: Amended at 15 Ill. Reg. , effective )

## Section 725.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

Small containers of hazardous waste in overpacked drums (lab packs) may be placed in a landfill if the following requirements are met:

- a) Hazardous waste must be packaged in non-leaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by or be ignited by the contained waste. The inside containers must be



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tightly and securely sealed. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR 173, 178 and 179), incorporated by reference in 35 Ill. Adm. Code 720.111, if those regulations specify a particular inside container for the waste.

- b) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR 178 and 179) of no more than 416 liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of absorbent material to completely absorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and absorbent material.
- c) In accordance with Section 725.117(b), the absorbent material used must not be capable of reacting dangerously with, being decomposed by or being ignited by the contents of the inside containers.
- d) Incompatible waste, as defined in 35 Ill. Adm. Code 720.110, must not be placed in the same outside container.
- e) Reactive wastes, other than cyanide- or sulfide-bearing waste as defined in 35 Ill. Adm. Code 721.123(a)(5), must be treated or rendered non-reactive prior to packaging in accordance with ~~paragraphs~~ subsections (a) through (d). Cyanide- and sulfide-bearing reactive waste may be packed in accordance with ~~paragraphs~~ subsections (a) through (d) without first being treated or rendered non-reactive.
- f) Such disposal is in compliance with the requirements of 35 Ill. Adm. Code 728. Persons who incinerate lab packs according to the requirements of 35 Ill. Adm. Code 728.142(c)(1) may use fiber drums in place of metal outer containers. Such fiber drums must meet the DOT specifications in 49 CFR 171.12 and be overpacked according to subsection (b).
- g) Pursuant to 35 Ill. Adm. Code 729.312, the use of labpacks for disposal of liquid wastes or wastes containing free liquids allowed under this Section is restricted to labwaste and non-periodic waste, as those terms are defined in that Part.

(Source: Amended at 15 Ill. Reg. , effective )

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## SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

## Section 725.930 Applicability

- a) This Subpart applies to owners and operators of facilities that treat, store or dispose of hazardous wastes (except as provided in Section 725.101).
- b) Except for Sections 725.934(d) and 725.935(e), this Subpart applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw (parts per million by weight), if these operations are conducted in:

- 1) Units that are subject to the permitting requirements of 35 Ill. Adm. Code 703; or
- 2) Hazardous waste recycling units that are located on hazardous waste management facilities otherwise subject to the permitting requirements of 35 Ill. Adm. Code 703.

BOARD NOTE: The requirements of Sections 725.932 through 725.936 apply to process vents on hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104, 722.134 and 725.101(c) are not affected by these requirements.

- c) Agency decisions pursuant to this Part must be made in writing, are in the nature of permit decisions pursuant to Section 39 of the Environmental Protection Act and may be appealed to the Board pursuant to 35 Ill. Adm. Code 105.

(Source: Added at 15 Ill. Reg. , effective )

## Section 725.931 Definitions

As used in this Subpart, all terms not defined in the Subpart have the meaning given them in 35 Ill. Adm. Code 724.931, the Resource Conservation and Recovery Act and 35 Ill. Adm. Code 720 through 726.

BTU means British thermal unit.

ft means foot.

h means hour.



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kg means kilogram.

kPa means kilopascals.

lb means pound.

m means meter.

Mg means Megagrams, or metric tonnes.

MJ means MegaJoules, or ten to the sixth Joules.

MW means Megawatts.

ppmv means parts per million by volume.

ppmw meant parts per million by weight.

s means second.

scm means standard cubic meter.

scft meant standard cubic foot.

yr means year.

(Source: Added at 15 Ill. Reg. , effective )

## Section 725.932 Standards: Process Vents

- a) The owner or operator of a facility with process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations managing hazardous wastes with organic concentrations of at least 10 ppmw shall either:

1) Reduce total organic emissions from all affected process vents at the facility below 1.4 kg/h (3 lb/h) and 2.8 Mg/yr (3.1 tons/yr); or

2) Reduce, by use of a control device, total organic emissions from all affected process vents at the facility by 95 weight percent.

- b) If the owner or operator installs a closed-vent system and control device to comply with the provisions of subsection (a), the closed-vent system and control device must meet the requirements of Section 725.933.

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- c) Determinations of vent emissions and emission reductions or total organic compound concentrations achieved by add-on control devices must be based on either engineering calculations or performance tests. If performance tests are used to determine vent emissions, emission reductions, or total organic compound concentrations achieved by add-on control devices, the performance tests must conform with the requirements of Section 725.934(c).

- d) When an owner or operator and the Agency do not agree on determinations of vent emissions or emission reductions or total organic compound concentrations achieved by add-on control devices based on engineering calculations, the test methods in Section 725.934(c) must be used to resolve the disagreement.

(Source: Added at 15 Ill. Reg. , effective )

## Section 725.933 Standards: Closed-vent Systems and Control Devices

## a) Compliance Required.

- 1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part shall comply with the provisions of this section.

- 2) The owner or operator of an existing facility who cannot install a closed-vent system and control device to comply with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 18 months after the effective date that the facility becomes subject to this Subpart for installation and startup. All units that begin operation after December 21, 1990, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 2-year implementation schedule does not apply to these units.

- b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 725.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.



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- c1) An enclosed combustion device (e.g., a vapor incinerator, boiler or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv.

expressed as the sum of the actual compounds, not carbon equivalents, on a dry basis corrected to 3 percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760 C. If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame combustion zone of the boiler or process heater.

## d1) Flares

- 1) A flare must be designed for and operated with no visible emissions as determined by the methods specified in subsection (e)(1) except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.

- 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(c).

- 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater if the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2).

## 4) Exit Velocity.

- A) A steam-assisted or nonassisted flare must be designed for an operated with an exit velocity, as determined by the methods specified in subsection (e)(3), less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (C).

- B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3), equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).

- C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the

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methods specified in subsection (e)(3), less than the exit velocity, V as determined by the method specified in subsection (e)(4) and less than 122 m/s (400 ft/s) is allowed.

- 5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V as determined by the method specified in subsection (e)(5).

- 6) A flare used to comply with this section must be steam-assisted, air-assisted or nonassisted.

- e) 1) Reference Method 22 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart. The observation period is 2 hours and must be used according to Method 22.

- 2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H = K * \text{SUM}(Ci * Hi)$$

Where:

H is the net heating value of the sample in MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25 C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mole is 20 C.

$K = 1.74 E - 7 (1/\text{ppm})(q \text{ mol}/\text{scm})(\text{MJ}/\text{kcal})$  where standard temperature for (q mol/scm) 20 C.

SUM(Xi) means the sum of the values of X for each component i, from i=1 to n.

Ci is the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 in 40 CFR 60, and for carbon monoxide, by ASTM D1946, incorporated by reference in 35 Ill. Adm. Code 720.111.

Hi is the net heat of combustion of sample component i, kcal/gmol at 25 C and 760 mm Hg. The heats of combustion must be determined using ASTM D2382, incorporated by reference in 35 Ill. Adm. Code



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720.111, if published values are not available or cannot be calculated.

- 3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.
- 4) The maximum allowed velocity in m/s, V for a flare complying with subsection (d)(4)(C) must be determined by the following equation:  
$$\text{LOG}(V) = (H + 28.8) / 31.7$$

Where:  
LOG means logarithm to the base 10  
H is the net heating value as determined in subsection (e)(2).
- 5) The maximum allowed velocity in m/s, V for an air-assisted flare must be determined by the following equation:  
$$V = 8.706 + 0.7084H$$

Where:  
H is the net heating value as determined in subsection (e)(2).
- f) The owner or operator shall monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:
  - 1) Install, calibrate, maintain and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before being combined with other vent streams.

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- 2) Install, calibrate, maintain and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:
  - A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of  $\pm 1$  percent of the temperature being monitored in C or  $\pm 1$  C, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.
  - B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of  $\pm 1$  percent of the temperature being monitored in C or  $\pm 0.5$  C, whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.
  - C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.
  - D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of  $\pm 1$  percent of the temperature being monitored in C or  $\pm 0.5$  C, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.
  - E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure a parameter(s) that indicates good combustion operating practices are being used.
  - F) For a condenser, either:
    - i) A monitoring device equipped with a continuous recorder to measure the concentration level of



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the organic compounds in the exhaust vent stream from the condenser; or

- ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of  $\pm 1$  percent of the temperature being monitored in C or  $\pm 0.5$  C, whichever is greater. One temperature sensor must be installed at a location in the exhaust vent stream from the condenser, and a second temperature sensor must be installed at a location in the coolant fluid exiting the condenser.

- g) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly in the control device, either:

- i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed; or

- ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.

- 3) Inspect the readings from each monitoring device required by subsection (f)(1) and (2) at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.

- g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 725.935(b)(4)(C)(vi).

- h) An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:

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- 1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of Section 725.935(b)(4)(C)(vii), whichever is longer.

- 2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 725.935(b)(4)(C)(vii).

- i) An owner or operator of an affected facility seeking to comply with the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

- ii) Closed vent systems.

- 1) Closed-vent systems must be designed for and operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background and by visual inspections, as determined by the methods specified at Section 725.934(b).

- 2) Closed-vent systems must be monitored to determine compliance with this Section during the initial leak detection monitoring, which must be conducted by the date that the facility becomes subject to the provisions of this Section annually, and at other times as specified by the Agency pursuant to Section 725.930(c).

- 3) Detectable emissions, as indicated by an instrument reading greater than 500 ppm and visual inspections, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected.

- 4) A first attempt at repair must be made no later than 5 calendar days after the emission is detected.



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- k) Closed-vent systems and control devices used to comply with provisions of this Subpart must be operated at all times when emissions may be vented to them.

(Source: Added at 15 Ill. Reg. , effective )

## Section 725.934 Test Methods and Procedures

- a) Each owner or operator subject to the provisions of this Subpart shall comply with the test methods and procedures requirements provided in this Section
- b) When a closed-vent system is tested for compliance with no detectable emissions, as required in Section 725.933(1), the test must comply with the following requirements:

- 1) Monitoring must comply with Reference Method 21 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 2) The detection instrument must meet the performance criteria of Reference Method 21.
- 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

- 4) Calibration gases must be:

- A) Zero air (less than 10 ppm of hydrocarbon in air).
- B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.

- 5) The background level must be determined as set forth in Reference Method 21.

- 6) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

- 7) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

- c) Performance tests to determine compliance with Section 725.932(a) and with the total organic compound concentration limit of Section 725.933(c) must comply with the following:

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- 1) Performance tests to determine total organic compound concentrations and mass flow rates entering and exiting control devices must be conducted and data reduced in accordance with the following reference methods and calculation procedures:

- A) Method 2 in 40 CFR 60 for velocity and volumetric flow rate.

- B) Method 18 in 40 CFR 60 for organic content.

- C) Each performance test must consist of three separate runs, each run conducted for at least 1 hour under the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. For the purpose of determining total organic compound concentrations and mass flow rates, the average of results of all runs applies. The average must be computed on a time-weighted basis.

- D) Total organic mass flow rates must be determined by the following equation:

$$F = K * Q * \sum (Ci * MWi)$$

Where:

F is the total organic mass flow rate, kg/h.

K = 4.16 E -8, conversion factor for molar volume, kg-mol/cubic m, at 293 K and 760 mm Hg.

Q = volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Method 2 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.

$\sum (Xi)$  means the sum of the values of X for each component i, from i=1 to n.

n = number of organic compounds in the vent gas.

Ci is the organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Method 18 in 40 CFR 60.



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Mwi is the molecular weight of organic compound  
i in the vent gas, kg/kg-mol.

- E) The annual total organic emission rate must be determined by the following equation:

$$A = F * \text{HOURS}$$

Where:

A is total organic emission rate, kg/y.

F is the total organic mass flow rate, kg/h, as calculated in subsection (c)(1)(D).

HOURS is the total annual hours of operation for the affected unit.

- F) Total organic emissions from all affected process vents at the facility must be determined by summing the hourly total organic mass emissions rates (F) as determined in subsection (c)(1)(D) and by summing the annual total organic mass emission rates (A) as determined in subsection (c)(1)(E) for all affected process vents at the facility.

- 2) The owner or operator shall record such process information as is necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown and malfunction do not constitute representative conditions for the purpose of a performance test.

- 3) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

- A) Sampling ports adequate for the test methods specified in subsection (c)(1).
- B) Safe sampling platform(s).
- C) Safe access to sampling platform(s).
- D) Utilities for sampling and testing equipment.

- 4) For the purpose of making compliance determinations, the time-weighted average of the results of the three runs must apply. In the event that a sample is accidentally lost or

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conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions or other circumstances beyond the owner or operator's control, compliance may, upon the Agency's approval, be determined using the average of the results of the two other runs.

- d) To show that a process vent associated with a hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation is not subject to the requirements of this Subpart, the owner or operator shall make an initial determination that the time-weighted, annual average total organic concentration of the waste managed by the waste management unit is less than 10 ppmw using one of the following two methods:

- 1) Direct measurement of the organic concentration of the waste using the following procedures:

- A) The owner or operator shall take a minimum of four grab samples of waste for each wastestream managed in the affected unit under process conditions expected to cause the maximum waste organic concentration.

- B) For waste generated onsite, the grab samples must be collected at a point before the waste is exposed to the atmosphere such as in an enclosed pipe or other closed system that is used to transfer the waste after generation to the first affected distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation. For waste generated offsite, the grab samples must be collected at the inlet to the first waste management unit that receives the waste provided the waste has been transferred to the facility in a closed system such as a tank truck and the waste is not diluted or mixed with other waste.

- C) Each sample must be analyzed and the total organic concentration of the sample must be computed using Method 9060 or 8240 of SW-846 (incorporated by reference under 35 Ill. Adm. Code 720.111).

- D) The arithmetic mean of the results of the analyses of the four samples apply for each wastestream managed in the unit in determining the time-weighted, annual average total organic concentration of the waste. The



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time-weighted average is to be calculated using the annual quantity of each waste stream processed and the mean organic concentration of each wastewater managed in the unit.

- 2) Using knowledge of the waste to determine that its total organic concentration is less than 10 ppmw. Documentation of the waste determination is required. Examples of documentation that must be used to support a determination under this subsection include:
- A) Production process information documenting that no organic compounds are used.
  - B) Information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to generate a wastewater having a total organic content less than 10 ppmw, or
  - C) Prior speciation analysis results on the same wastewater where it is documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.

e) The determination that distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations which manage hazardous wastes with time-weighted, annual average total organic concentrations less than 10 ppmw must be made as follows:

- 1) By the effective date that the facility becomes subject to the provisions of this Subpart or by the date when the waste is first managed in a waste management unit, whichever is later; and
  - 2) For continuously generated waste, annually; or
  - 3) Whenever there is a change in the waste being managed or a change in the process that generates or treats the waste.
- f) When an owner or operator and the Agency do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, the procedures in Method 8240 in SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to resolve the dispute.

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(Source: Added at 15 Ill. Reg. , effective )

## Section 725.935 Recordkeeping Requirements

## a) Compliance Required.

- 1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.
- 2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

b) Owners and operators shall record the following information in the facility operating record:

- 1) For facilities that comply with the provisions of Section 725.933(a)(2), an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The schedule must also include a rationale of why the installation cannot be completed at an earlier date. The implementation schedule must be in the facility operating record by the effective date that the facility becomes subject to the provisions of this Subpart.
- 2) Up-to-date documentation of compliance with the process vent standards in Section 725.932, including:
  - A) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan).
  - B) Information and data supporting determination of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations of source tests. For the purpose of determining



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compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions, such as when the waste management unit is operating at the highest load or capacity level reasonably expected to occur. If the owner or operator takes any action (e.g., managing a waste of different composition or increasing operating hours of affected waste management units) that would result in an increase in total organic emissions from affected process vents at the facility, then a new determination is required.

- 3) Where an owner or operator chooses to use test data to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan. The test plan must include:

A) A description of how it is determined that the planned test is going to be conducted when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. This must include the estimated or design flow rate and organic content of each vent stream and define the acceptable operating ranges of key process and control device parameters during the test program.

- B) A detailed engineering description of the closed-vent system and control device including:

- i) Manufacturer's name and model number of control device.
- ii) Type of control device.
- iii) Dimensions of the control device.
- iv) Capacity.
- v) Construction materials.
- C) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.

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- 4) Documentation of compliance with Section 725.933 must include the following information:

- A) A list of all information references and sources used in preparing the documentation.
- B) Records including the dates of each compliance test required by Section 725.933(i).
- C) If engineering calculations are used, a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of API Course 415 (incorporated by reference in 35 Ill. Adm. Code 720.111) or other engineering texts, approved by the Agency, that present basic control device design information. Documentation provided by the control device manufacturer or vendor that describes the control device design in accordance with subsections (b)(4)(C)(i) through (vii) may be used to comply with this requirement. The design analysis must address the vent stream characteristics and control device operation parameters as specified below.

- i) For a thermal vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.

- ii) For a catalytic vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperatures across the catalyst bed inlet and outlet.

- iii) For a boiler or process heater, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average flame zone temperatures, combustion zone residence time and description of method and location where the



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vent stream is introduced into the combustion zone.

iv) For a flare, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also consider the requirements specified in Section 725.933(d).

v) For a condenser, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream and design average temperatures of the coolant fluid at the condenser inlet and outlet.

vi) For a carbon adsorption system such as a fixed-bed adsorber that regenerates the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design exhaust vent stream organic compound concentration level, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the carbon bed steaming and cooling/drying cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time and design service life of carbon.

vii) For a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed and design carbon replacement interval based on the total

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carbon working capacity of the control device and source operating schedule.

D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.

E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 percent or greater unless the total organic concentration limit of Section 725.932(a) is achieved at an efficiency less than 95 weight percent or the total organic emission limits of Section 725.932(a) for affected process vents at the facility are attained by a control device involving vapor recovery at an efficiency less than 95 weight percent. A statement provided by the control device manufacturer or vendor certifying that the control equipment meets the design specifications may be used to comply with this requirement.

F) If performance tests are used to demonstrate compliance, all test results.

## c)

Design documentation and monitoring operating and inspection information for each closed-vent system and control device required to comply with the provisions of this Part must be recorded and kept up-to-date in the facility operating record. The information must include:

- 1) Description and date of each modification that is made to the closed-vent system or control device design.
- 2) Identification of operating parameter, description of monitoring device, and diagram of monitoring sensor location or locations used to comply with Section 725.933(f)(1) and (2).
- 3) Monitoring, operating and inspection information required by Section 725.933(f) through (k).
- 4) Date, time and duration of each period that occurs while the control device is operating when any monitored parameter exceeds the value established in the control device design analysis as specified below:



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- A) For a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of 760 C, any period when the combustion temperature is below 760 C.
- B) For a thermal vapor incinerator designed to operate with an organic emission reduction efficiency of 95 percent or greater, any period when the combustion zone temperature is more than 28 C below the design average combustion zone temperature established as a requirement of subsection (b)(4)(C)(i).
- C) For a catalytic vapor incinerator, any period when:
- i) Temperature of the vent stream at the catalyst bed inlet is more than 28 C below the average temperature of the inlet vent stream established as a requirement of subsection (b)(4)(C)(ii); or
  - ii) Temperature difference across the catalyst bed is less than 80 percent of the design average temperature difference established as a requirement of subsection (b)(4)(C)(iii).
- D) For a boiler or process heater, any period when:
- i) Flame zone temperature is more than 28 C below the design average flame zone temperature established as a requirement of subsection (b)(4)(C)(iii); or
  - ii) Position changes where the vent stream is introduced to the combustion zone from the location established as a requirement of subsection (b)(4)(C)(iii).
- E) For a flare, period when the pilot flame is not ignited.
- F) For a condenser that complies with Section 725.933(f)(2)(F)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the condenser are more than 20 percent greater than the design outlet organic compound concentration level established as a requirement of subsection (b)(4)(C)(vi).

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- G) For a condenser that complies with Section 725.933(f)(2)(F)(ii), any period when:
- i) Temperature of the exhaust vent stream from the condenser is more than 6 C above the design average exhaust vent stream temperature established as a requirement of subsection (b)(4)(C)(v).
  - ii) Temperature of the coolant fluid exiting the condenser is more than 6 C above the design average coolant fluid temperature at the condenser outlet established as a requirement of subsection (b)(4)(C)(v).
- H) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 725.933(f)(2)(G)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the carbon bed are more than 20 percent greater than the design exhaust vent stream organic compound concentration level established as a requirement of subsection (b)(4)(C)(vi).
- I) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 725.933(f)(2)(G)(ii), any period when the vent stream continues to flow through the control device beyond the predetermined carbon bed regeneration time established as a requirement of subsection (b)(4)(C)(vi).
- 5) Explanation for each period recorded under subsection (c)(4) of the cause for control device operating parameter exceeding the design value and the measures implemented to correct the control device operation.
- 6) For carbon adsorption systems operated subject to requirements specified in Section 725.933(g) or (h)(2), any date when existing carbon in the control device is replaced with fresh carbon.
- 7) For carbon adsorption systems operated subject to requirements specified in Section 725.933(h)(1), a log that records:



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A) Date and time when control device is monitored for carbon breakthrough and the monitoring device reading.

B) Date when existing carbon in the control device is replaced with fresh carbon.

8) Date of each control device startup and shutdown.

d) Records of the monitoring, operating and inspection information required by subsections (c)(3) through (8) need be kept only 3 years.

e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser or carbon adsorption system, monitoring and inspection information indicating proper operation and maintenance of the control device must be recorded in the facility operating record.

f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 725.932, including supporting documentation as required by Section 725.934(d)(2), when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used, must be recorded in a log that is kept in the facility operating record.

(Source: Added at 15 Ill. Reg. , effective )

## SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

## Section 725.950 Applicability

a) The regulations in this Subpart apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in Section 725.101).

b) Except as provided in Section 725.964(j), this Subpart applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in:

1) Units that are subject to the RCRA permitting requirements of 35 Ill. Adm. Code 703, or

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2) Hazardous waste recycling units that are located on hazardous waste management facilities otherwise subject to the permitting requirements of 35 Ill. Adm. Code 703.

c) Each piece of equipment to which this Subpart applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.

d) Equipment that is in vacuum service is excluded from the requirements of Sections 725.952 to 725.960, if it is identified as required in Section 725.964(g)(5).

BOARD NOTE: The requirements of Sections 725.952 through 725.964 apply to equipment associated with hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104, 722.134 and 725.101(e) are not affected by these requirements.

e) Agency decisions pursuant to this Part must be made in writing, are in the nature of permit decisions pursuant to Section 39 of the Environmental Protection Act and may be appealed to the Board pursuant to 35 Ill. Adm. Code 105.

(Source: Added at 15 Ill. Reg. , effective )

## Section 725.951 Definitions

As used in this Subpart, all terms have the meaning given them in Section 725.931, the Resource Conservation and Recovery Act and 35 Ill. Adm. Code 720 through 726.

(Source: Added at 15 Ill. Reg. , effective )

## Section 725.952 Standards: Pumps in Light Liquid Service

## a) Monitoring

1) Each pump in light liquid service must be monitored monthly to detect leaks by the methods specified in Section 725.963(b), except as provided in subsections (d), (e) and (f).

2) Each pump in light liquid service must be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

b) Leaks



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- 1) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- 2) If there are indications of liquids dripping from the pump seal, a leak is detected.
- c) Repairs
- 1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 725.959.
- 2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than 5 calendar days after each leak is detected.
- d) Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of subsection (a), provided the following requirements are met:
- 1) Each dual mechanical seal system must be:
- A) Operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressures; or
- B) Equipped with a barrier fluid degassing reservoir that is connected by a closed-vent system to a control device that complies with the requirements of Section 725.960; or
- C) Equipped with a system that purges the barrier fluid into a hazardous wastestream with no detectable emissions to the atmosphere.
- 2) The barrier fluid system must not be a hazardous waste with organic concentrations 10 percent or greater by weight.
- 3) Each barrier fluid system must be equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.
- 4) Each pump must be checked by visual inspection, each calendar week, for indications of liquids dripping from the pump seals.
- 5) Alarms

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- A) Each sensor as described in subsection (d)(3) must be checked daily or be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly.
- B) The owner or operator shall determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.
- 6) Leaks
- A) If there are indications of liquids dripping from the pump seal or the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined in subsection (d)(5)(B), a leak is detected.
- B) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 725.959.
- C) A first attempt at repair (e.g., relapping the seal) must be made no later than 5 calendar days after each leak is detected.
- e) Any pump that is designated, as described in Section 725.964(a)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsections (a), (c) and (d), if the pump meets the following requirements:
- 1) Must have no externally actuated shaft penetrating the pump housing.
- 2) Must operate with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background as measured by the methods specified in Section 725.963(c).
- 3) Must be tested for compliance with subsection (a)(2) initially upon designation, annually and at other times as specified by the Agency pursuant to Section 725.950(e).
- f) If any pump is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal or seals to a control device that complies with the requirements of Section



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725.960, it is exempt from the requirements of subsections (a) through (e).

(Source: Added at 15 Ill. Reg. , effective )

## Section 725.953 Standards: Compressors

a) Each compressor must be equipped with a seal system that includes a barrier fluid system and that prevents leakage of total organic emissions to the atmosphere, except as provided in subsections (h) and (i).

b) Each compressor seal system as required in subsection (a) must be:

1) Operated with the barrier fluid at a pressure that is at all times greater than the compressor stuffing box pressure; or

2) Equipped with a barrier fluid system that is connected by a closed-vent system to a control device that complies with the requirements of Section 725.960; or

3) Equipped with a system that purges the barrier fluid into a hazardous wastestream with no detectable emissions to atmosphere.

c) The barrier fluid must not be a hazardous waste with organic concentrations 10 percent or greater by weight.

d) Each barrier fluid system as described in subsections (a) through (c) must be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.

e) 1) Each sensor as required in subsection (d) must be checked daily or must be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly unless the compressor is located within the boundary of an unmanned plant site, in which case the sensor must be checked daily.

2) The owner or operator shall determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

f) If the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined under subsection (e)(2), a leak is detected.

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## g) Repairs

1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 725.959.

2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than 5 calendar days after each leak is detected.

h) A compressor is exempt from the requirements of subsections (a) and (b) if it is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal to a control device that complies with the requirements of Section 725.960, except as provided in subsection (i).

i) Any compressor that is designated, as described in Section 725.964(l)(2), for no detectable emission as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsections (a) through (h) if the compressor:

1) Is determined to be operating with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 725.963(c).

2) Is tested for compliance with subsection (i)(1) initially upon designation, annually and other times as specified by the Agency pursuant to Section 725.950(e).

(Source: Added at 15 Ill. Reg. , effective )

## Section 725.954 Standards: Pressure Relief Devices in Gas/Vapor Service

a) Except during pressure releases, each pressure relief device in gas/vapor service must be operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background as measured by the method specified in Section 725.963(c).

b) Actions following pressure release.

1) After each pressure release, the pressure relief device must be returned to a condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as soon as practicable, but no later than



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5 calendar days after each pressure release, except as provided in Section 725.959.

- 2) No later than 5 calendar days after the pressure release, the pressure relief device must be monitored to confirm the condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 725.963(c).

- c) Any pressure relief device that is equipped with a closed-vent system capable of capturing and transporting leakage from the pressure relief device to a control device as described in Section 725.960 is exempt from the requirements of subsections (a) and (b).

(Source: Added at 15 Ill. Reg. , effective )

## Section 725.955 Standards: Sampling Connecting Systems

- a) Each sampling connection system must be equipped with a closed purge system or closed-vent system.

- b) Each closed-purge system or closed-vent system as required in subsection (a) must:

- 1) Return the purged hazardous waste stream directly to the hazardous waste management process line with no detectable emissions to atmosphere; or

- 2) Collect and recycle the purged hazardous waste stream with no detectable emissions to atmosphere; or

- 3) Be designed and operated to capture and transport all the purged hazardous wastestream to a control device that complies with the requirements of Section 725.960.

- c) In situ sampling systems are exempt from the requirements of subsections (a) and (b).

(Source: Added at 15 Ill. Reg. , effective )

## Section 725.956 Standards: Open-ended Valves or Lines

- a) Equipment.

- 1) Each open-ended valve or line must be equipped with a cap, blind flange, plug or a second valve.

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- 2) The cap, blind flange, plug or second valve must seal the open end at all times except during operations requiring hazardous wastestream flow through the open-ended valve or line.

- b) Each open-ended valve or line equipped with a second valve must be operated in a manner such that the valve on the hazardous wastestream end is closed before the second valve is closed.

- c) When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves but must comply with subsection (a) at all other times.

(Source: Added at 15 Ill. Reg. , effective )

## Section 725.957 Standards: Valves in Gas/Vapor or Light Liquid Service

- a) Each valve in gas/vapor or light liquid service must be monitored monthly to detect leaks by the methods specified in Section 725.963(b) and must comply with subsections (b) through (e), except as provided in subsections (f), (g) and (h), and in Section 725.961 and 725.962.

- b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

- c) Monitoring Frequency

- 1) Any valve for which a leak is not detected for two successive months must be monitored the first month of every succeeding quarter, beginning with the next quarter, until a leak is detected.

- 2) If a leak is detected, the valve must be monitored monthly until a leak is not detected for two successive months.

- d) When a leak is detected, it must be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in Section 725.959.

- 2) A first attempt at repair must be made no later than 5 calendar days after each leak is detected.

- e) First attempts at repair include, but are not limited to the following best practices where practicable:

- 1) Tightening of bonnet bolts.



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- 2) Replacement of bonnet bolts.
- 3) Tightening of packing gland nuts.
- 4) Injection of lubricant into lubricated packing.
- f) Any valve that is designated, as described in Section 725.964(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsection (a) if the valve:
- 1) Has no external actuating mechanism in contact with the hazardous wastestream.
  - 2) Is operated with emissions less than 500 ppm above background as determined by the method specified in Section 725.963(c).
  - 3) Is tested for compliance with subsection (f)(2) initially upon designation, annually, and at other times as specified by the Agency pursuant to Section 725.950(e).
- g) Any valve that is designated, as described in Section 725.964(h)(1), as an unsafe-to-monitor valve is exempt from the requirements of subsection (a), if:
- 1) The owner or operator of the valve determines that the valve is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (a).
  - 2) The owner or operator of the valve adheres to a written plan that requires monitoring of the valve as frequently as practicable during safe-to-monitor times.
- h) Any valve that is designated, as described in Section 725.964(h)(2), as a difficult-to-monitor valve is exempt from the requirements of subsection (a), if:
- 1) The owner or operator of the valve determines that the valve cannot be monitored without elevating the monitoring personnel more than 2 meters above a support surface;
  - 2) The hazardous waste management unit within which the valve is located was in operation before June 21, 1990; and

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- 3) The owner or operator of the valve follows a written plan that requires monitoring of the valve at least once per calendar year.
- (Source: Added at 15 Ill. Reg. , effective )
- Section 725.958 Standards: Pumps, Valves, Pressure Relief Devices, Flanges and other Connectors
- a) Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service and flanges and other connectors must be monitored within 5 days by the method specified in Section 725.963(b), if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method.
- b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- c) Repairs
- 1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 725.959.
  - 2) The first attempt at repair must be made no later than 5 calendar days after each leak is detected.
  - d) First attempts at repair include, but are not limited to, the best practices described under Section 725.957(e).
- (Source: Added at 15 Ill. Reg. , effective )
- Section 725.959 Standards: Delay of Repair
- a) Delay of repair of equipment for which leaks have been detected is allowed if the repair is technically infeasible without a hazardous waste management unit shutdown. In such a case, repair of this equipment must occur before the end of the next hazardous waste management unit shutdown.
- b) Delay of repair of equipment for which leaks have been detected is allowed for equipment that is isolated from the hazardous waste management unit and that does not continue to contain or contact hazardous waste with organic concentrations at least 10 percent by weight.
- c) Delay of repair for valves is allowed if:



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1) An owner or operator shall notify the Agency that the owner or operator has elected to comply with the requirements of this Section.

2) A performance test as specified in subsection (c) must be conducted initially upon designation, annually and other times as specified by the Agency pursuant to Section 725.950(e).

3) If a valve leak is detected it must be repaired in accordance with Section 725.957(d) and (e).

c) Performance tests must be conducted in the following manner:

1) All valves subject to the requirements in Section 725.957 within the hazardous waste management unit must be monitored within 1 week by the methods specified in Section 725.963(b).

2) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

3) The leak percentage must be determined by dividing the number of valves subject to the requirements in Section 725.957 for which leaks are detected by the total number of valves subject to the requirements in Section 725.957 within the hazardous waste management unit.

d) If an owner or operator decides no longer to comply with this Section, the owner or operator shall notify the Agency in writing that the work practice standard described in Section 725.957(a) through (e) will be followed.

(Source: Added at 15 Ill. Reg. , effective )

Section 725.962 Skip Period Alternative for Valves

a) Election

1) An owner or operator subject to the requirements of Section 725.957 may elect for all valves within a hazardous waste management unit to comply with one of the alternative work practices specified in subsections (b)(2) and (3).

2) An owner or operator shall notify the Agency before implementing one of the alternative work practices.

b) Reduced Monitoring

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1) The owner or operator determines that emissions of purged material resulting from immediate repair are greater than the emissions likely to result from delay of repair.

2) When repair procedures are effected, the purged material is collected and destroyed or recovered in a control device complying with Section 725.960.

d) Delay of repair for pumps is allowed if:

1) Repair requires the use of a dual mechanical seal system that includes a barrier fluid system.

2) Repair is completed as soon as practicable, but not later than 6 months after the leak was detected.

e) Delay of repair beyond a hazardous waste management unit shutdown is allowed for a valve if valve assembly replacement is necessary during the hazardous waste management unit shutdown, valve assembly supplies have been depleted, and valve assembly supplies had been sufficiently stocked before the supplies were depleted. Delay of repair beyond the next hazardous waste management unit shutdown is not allowed unless the next hazardous waste management unit shutdown occurs sooner than 6 months after the first hazardous waste management unit shutdown.

(Source: Added at 15 Ill. Reg. , effective )

Section 725.960 Standards: Closed-vent Systems and Control Devices

Owners or operators of closed-vent systems and control devices shall comply with the provisions of Section 725.933.

(Source: Added at 15 Ill. Reg. , effective )

Section 725.961 Percent Leakage Alternative for Valves

a) An owner or operator subject to the requirements of Section 725.957 may elect to have all valves within a hazardous waste management unit comply with an alternative standard which allows no greater than 2 percent of the valves to leak.

b) The following requirements must be met if an owner or operator decides to comply with the alternative standard of allowing 2 percent of valves to leak:



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- 1) An owner or operator shall comply with the requirements for valves, as described in Section 725.957, except as described in subsection (b)(2) and (3).
- 2) After two consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than 2 percent, an owner or operator may begin to skip one of the quarterly leak detection periods for the valves subject to the requirements in Section 725.957.
- 3) After five consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than 2 percent, an owner or operator may begin to skip three of the quarterly leak detection periods for the valves subject to the requirements in Section 725.957.
- 4) If the percentage of valves leaking is greater than 2 percent, the owner or operator shall monitor monthly in compliance with the requirements in Section 725.957, but may again elect to use this Section after meeting the requirements of Section 725.957(c)(1).

(Source: Added at 15 Ill. Reg. , effective )

## Section 725.963 Test Methods and Procedures

- a) Each owner or operator subject to the provisions of this Subpart shall comply with the test methods and procedures requirements provided in this Section.
- b) Leak detection monitoring, as required in Sections 725.952 through 725.962, must comply with the following requirements:
  - 1) Monitoring must comply with Reference Method 21 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.
  - 2) The detection instrument must meet the performance criteria of Reference Method 21.
  - 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
  - 4) Calibration gases must be:
    - A) Zero air (less than 10 ppm of hydrocarbon in air).

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- B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than 10,000 ppm methane or n-hexane.
- 5) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
- c) When equipment is tested for compliance with no detectable emissions, as required in Sections 725.952(e), 725.953(i), 725.954 and 725.957(f), the test must comply with the following requirements:
  - 1) The requirements of subsections (b)(1) through (4) apply.
  - 2) The background level must be determined as set forth in Reference Method 21.
  - 3) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
  - 4) This arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.
- d) In accordance with the waste analysis plan required by Section 725.113(b), an owner or operator of a facility shall determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using the following:
  - 1) Methods described in ASTM Methods D 2267, E 169, E 168, E 260 incorporated by reference in 35 Ill. Adm. Code 720.111;
  - 2) Method 9060 or 8240 of SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111; or
  - 3) Application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced. Documentation of a waste determination by knowledge is required. Examples of documentation that must be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to have a total organic content less than



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10 percent, or prior speciation analysis results on the same wastestream where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.

e) If an owner or operator determines that a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the determination can be revised only after following the procedures in subsection (d)(1) or (2).

f) When an owner or operator and the Agency do not agree on whether a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the procedures in subsection (d)(1) or (2) must be used to resolve the dispute.

g) Samples used in determining the percent organic content must be representative of the highest total organic content hazardous waste that is expected to be contained in or contact the equipment.

h) To determine if pumps or valves are in light liquid service, the vapor pressures of constituents must either be obtained from standard reference texts or be determined by ASTM D-2879 incorporated by reference in 35 Ill. Adm. Code 720.111.

i) Performance tests to determine if a control device achieves 95 weight percent organic emission reduction must comply with the procedures of Section 725.934(c)(1) through (4).

(Source: Added at 15 Ill. Reg. , effective )

## Section 725.964 Recordkeeping Requirements

## a) Lumping Units

1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.

2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

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b) Owners and operators shall record the following information in the facility operating record:

1) For each piece of equipment to which this Subpart applies:

A) Equipment identification number and hazardous waste management unit identification.

B) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).

C) Type of equipment (e.g., a pump or pipeline valve).

D) Percent-by-weight total organics in the hazardous wastestream at the equipment.

E) Hazardous waste state at the equipment (e.g. gas/vapor or liquid).

F) Method of compliance with the standard (e.g. "monthly leak detection and repair" or "equipped with dual mechanical seals").

2) for facilities than comply with the provisions of Section 725.933(a)(2), an implementation schedule as specified in that Section.

3) Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan as specified in Section 725.935(b)(3).

4) Documentation of compliance with Section 725.960, including the detailed design documentation or performance test results specified in Section 725.935(b)(4).

c) When each leak is detected as specified in Sections 725.952, 725.953, 725.957 or 725.958, the following requirements apply:

1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with Section 725.958(a), and the date the leak was detected, must be attached to the leaking equipment.

2) The identification on equipment except on a valve, may be removed after it has been repaired.



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3) The identification on a valve may be removed after it has been monitored for 2 successive months as specified in Section 725.957(c) and no leak has been detected during those 2 months.

d) When each leak is detected as specified in Sections 725.952, 725.953, 725.957 or 725.958, the following information must be recorded in an inspection log and must be kept in the facility operating record:

- 1) The instrument and operator identification numbers and the equipment identification number.
- 2) The date evidence of a potential leak was found in accordance with Section 725.958(a).
- 3) The date the leak was detected and the dates of each attempt to repair the leak.

4) Repair methods applied in each attempt to repair the leak.

5) "Above 10,000", if the maximum instrument reading measured by the methods specified in Section 725.963(b) after each repair attempt is equal to or greater than 10,000 ppm.

6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

7) Documentation supporting the delay of repair of a valve in compliance with Section 725.959(c).

8) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown.

9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.

10) The date of successful repair of the leak.

e) Design documentation and monitoring, operating and inspection information for each closed-vent system and control device required to comply with the provisions of Section 725.960 must be recorded and kept up-to-date in the facility operating record as specified in Section 725.935(c)(1) and (2), and monitoring.

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operating and inspection information in Section 725.935(c)(3) through (8).

f)

For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, monitoring and inspection information indicating proper operation and maintenance of the control device must be recorded in the facility operating record.

g)

The following information pertaining to all equipment subject to the requirements in Sections 725.952 through 725.960 must be recorded in a log that is kept in the facility operating record:

1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subpart.

2) List of Equipment

A) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of Sections 725.952(e), 725.953(i) and 725.957(f).

B) The designation of this equipment as subject to the requirements of Sections 725.952(e), 725.953(i) or 725.957(f) must be signed by the owner or operator.

3) A list of equipment identification numbers for pressure relief devices required to comply with Section 725.954(a).

4) Compliance tests.

A) The dates of each compliance test required in Sections 725.952(e), 725.953(i), 725.954 and 725.957(f).

B) The background level measured during each compliance test.

C) The maximum instrument reading measured at the equipment during each compliance test.

5) A list of identification numbers for equipment in vacuum service.



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h) The following information pertaining to all valves subject to the requirements of Section 725.957(g) and (h) must be recorded in a log that is kept in the facility operating record:

- 1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve.
- 2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.

i) The following information must be recorded in the facility operating record for valves complying with Section 725.962:

- 1) A schedule of monitoring.
- 2) The percent of valves found leaking during each monitoring period.

j) The following information must be recorded in a log that is kept in the facility operating record:

- 1) Criteria required in Section 725.952(d)(5)(B) and 725.953(e)(2) and an explanation of the criteria.
- 2) Any changes to these criteria and the reasons for the changes.

k) The following information must be recorded in a log that is kept in the facility operating record for use in determining exemptions as provided in Section 725.950 and other specific Subparts:

- 1) An analysis determining the design capacity of the hazardous waste management unit.
- 2) A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in Sections 725.960 and an analysis determining whether these hazardous wastes are heavy liquids.
- 3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in Sections 725.952 through 725.960. The record must include supporting documentation as required

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by Section 725.963(d)(3) when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in Sections 725.952 through 725.960, then a new determination is required.

l) Records of the equipment leak information required by subsection (d) and the operating information required by subsection (e) need be kept only 3 years.

m) The owner or operator of any facility that is subject to this Subpart and to regulations at 40 CFR 60, Subpart VV, or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to determine compliance with this Subpart by documentation either pursuant to Section 725.964, or pursuant to those provisions of 40 CFR 60 or 61, to the extent that the documentation under the regulation at 40 CFR 60 or 61 duplicates the documentation required under this Subpart. The documentation under the regulation at 40 CFR 60 or 61 must be kept with or made readily available with the facility operating record.

(Source: Added at 15 Ill. Reg. , effective )



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1) Heading of the Part: LAND DISPOSAL RESTRICTIONS2) Code Citation: 35 Ill. Adm. Code 7283) Section Numbers: Proposed Action:

728.101 Amendment  
 728.102 Amendment  
 728.103 Amendment  
 728.105 Amendment  
 728.107 Amendment  
 728.108 Repealed  
 728.109 New Section  
 728.135 New Section  
 728.140 Amendment  
 728.141 Amendment  
 728.142 Amendment  
 728.143 Amendment  
 728.Appendix D New Section  
 728.Appendix E New Section  
 728.Appendix F New Section  
 728.Appendix G New Section  
 728.Appendix H New Section  
 728.Table A Amendment  
 728.Table B Amendment  
 728.Table C New Section  
 728.Table D New Section  
 728.Table E New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.4 and 1027.5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R90-11, on December 20, 1990. A copy of the Proposed Opinion is available at the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par 1022.4(a)) requires the Board to adopt regulations which are identical in substance to regulations promulgated by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found in 40 CFR 260 through 270. The equivalent Board regulations are found in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments during the period April 1 through June 30, 1990. These amendments are mainly the "third third" land disposal restrictions from 55 Fed. Reg. 22683, June 1, 1990. The amendments are summarized as follows:

Section	Summary
728.101	Exclusion added for certain injection fluids. This is related to R90-14, November 26, 1990; 14 Ill. Reg. 18681.
728.102	New definitions added.
728.103 - 728.107	Modified as part of the third third.
728.108	Repealed, based on 55 Fed. Reg. 22683.
728.109	New Section with special rules for wastes which exhibit a hazardous characteristic.
728.135	Prohibition of land disposal of third third wastes.
728.140 - 728.141	Treatment standards revised; "Table CCWE" appears below as "Table A".
728.142	Required treatment technologies revised and reformatted; "Tables 1 - 3" appear below as "Tables C - E".
728.143	"Table CCW" appears below as "Table B".
App. D and E	List of wastes which may be disposed in "lab packs". The Board has proposed to reference the additional requirements in 35 Ill. Adm. Code 729.
App. F	List of recommended technologies for treating hazardous characteristics.



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App. G and H

Lists of federal effective dates and national capacity variances.

Table A

Revised Table CCWE, listing treatment standards by concentrations in the waste extract.

Table B

Revised Table CCW, listing treatment standards by concentrations in the waste itself.

Tables C - E

New Tables drawn from 40 CFR 268.42, Tables 1 - 3, listing required treatment technologies.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference?

Yes. This Part incorporates rules and regulations of agencies of the United States. Section 22.4(a) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-11 and be addressed to:

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Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 14, 1990.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, treat, store or dispose of hazardous waste. The amendments affect small businesses which:

Generate or manage "Third third" hazardous wastes, as defined in 40 CFR 268.12.

Inject characteristic hazardous waste from which the hazardous characteristic has been removed.

Generate or manage listed hazardous waste which also exhibits a hazardous characteristic.

Generate or manage wastes disposed of in lab packs.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analysis and maintenance of operating records. This rulemaking extends many requirements to persons generating or managing third third wastes, and establishes new requirements for businesses generating or managing listed waste which exhibits a hazardous characteristic.

D) Types of professional skills required for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. The amendments require analysis to determine whether third third wastes meet treatment standards, and require analyses for hazardous characteristics even of listed wastes.



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The full text of the Proposed Amendments begins on the next page:

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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 728

## LAND DISPOSAL RESTRICTIONS

## SUBPART A: GENERAL

Section  
728.101  
728.102  
728.103  
728.104  
728.105  
728.106  
  
728.107  
728.108  
728.109

## Purpose, Scope and Applicability

## Definitions

Dilution Prohibited as a Substitute for Treatment

Treatment Surface Impoundment Exemption

Procedures for case-by-case Extensions to an Effective Date  
Petitions to Allow Land Disposal of a Waste Prohibited under  
Subpart C

Waste Analysis and Recordkeeping

Landfill and Surface Impoundment Disposal Restrictions

Special Rules for Characteristic Wastes

## SUBPART C: PROHIBITION ON LAND DISPOSAL

Section  
728.130  
728.131  
728.132  
728.133  
728.134  
728.135  
728.139

Waste Specific Prohibitions -- Solvent Wastes

Waste Specific Prohibitions -- Dioxin-Containing Wastes

Waste Specific Prohibitions -- California List Wastes

Waste Specific Prohibitions -- First Third Wastes

Waste Specific Prohibitions -- Second Third Wastes

Waste Specific Prohibitions -- Third Third Wastes

Statutory Prohibitions

## SUBPART D: TREATMENT STANDARDS

Section  
728.140  
728.141  
728.142  
728.143  
728.144

Applicability of Treatment Standards

Treatment Standards expressed as Concentrations in Waste Extract

Treatment Standards expressed as Specified Technologies

Treatment Standards expressed as Waste Concentrations

Adjustment of Treatment Standard

## SUBPART E: PROHIBITIONS ON STORAGE

Section  
728.150

Prohibitions on Storage of Restricted Wastes

Appendix A

Toxicity Characteristic Leaching Procedure (TCLP)

Appendix B

Treatment Standards (As concentrations in the Treatment Residual

Extract)

Appendix C

List of Halogenated Organic Compounds

Appendix D

Organometallic Lab Packs



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Appendix E Organic Lab Packs  
 Appendix F Technologies to Achieve Deactivation of Characteristics  
 Appendix G Federal Effective Dates  
 Appendix H National Capacity LDR Variances for UIC Wastes

Table A Constituent Concentrations in Waste Extract (CCWE)  
 Table B Constituent Concentrations in Wastes (CCW)  
 Table C Technology Codes and Description of Technology-Based Standards  
 Table D Technology-Based Standards by RCRA Waste Code  
 Table E Standards for Radioactive Mixed Waste

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg.

## SUBPART A: GENERAL

## Section 728.101

## Purpose, Scope and Applicability

- a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.
- b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons who generate or transport hazardous waste and to owners and operators of hazardous waste treatment, storage and disposal facilities.
- c) Restricted wastes may continue to be land disposed as follows:
  - 1) Where persons have been granted an extension to the effective date of a prohibition under Subpart C or pursuant to Section 728.105, with respect to those wastes covered by the extension;
  - 2) Where persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;

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3) Wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited from land disposal under this Part, are not prohibited from land disposal if the wastes:

A) Are disposed into a nonhazardous or hazardous waste injection well as defined in 35 Ill. Adm. Code 704.106(a); and

B) Do not exhibit any prohibited characteristic of hazardous waste at the point of injection.

5) ~~Prior to May 8, 1990, in a landfill or surface impoundment unit where all applicable persons are in compliance with the requirements of Section 728.108, with respect to wastes which are not subject to the treatment standards set forth in Subpart D, and which are not subject to the prohibitions in Section 728.132 or 728.139.~~

d) This Part does not affect the availability of a waiver under Section 121(d)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601 et seq.).

e) The following hazardous wastes are not subject to any provision of this Part:

1) Wastes generated by small quantity generators of less than 100 kg of non-acute hazardous waste or less than 1 kg of acute hazardous waste per month, as defined in 35 Ill. Adm. Code 721.105;

2) Waste pesticides that a farmer disposes of pursuant to 35 Ill. Adm. Code 722.170;

3) Wastes identified or listed as hazardous after November 8, 1984, for which USEPA has not promulgated land disposal prohibitions or treatment standards.

f) This Part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Environmental Protection Agency (Agency) shall not issue a wastewater authorization pursuant to 35 Ill. Adm. Code 709 or Sections 22.6 or 39(h) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.6 or 1039(h)) unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.



e) When used in this Part the following terms have the meanings given below\*. All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.110, 720.102 or 721.103.

\*Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.)

"Halogenated organic compounds" or "HOCs" means those compounds having a carbon-halogen bond which are listed under Appendix C.

"Hazardous constituent or constituents" means those constituents listed in 35 Ill. Adm. Code 721.103.

Inorganic solid debris are nonfriable inorganic solids that are incapable of passing through a 9.5 mm standard sieve, and that require cutting, or crushing and grinding, in mechanical sizing equipment prior to stabilization, limited to the following inorganic or metal materials:

Metal slags (either dross or scoria).

Glassified slag.

Glass.

Concrete (excluding cementitious or pozzolanic stabilized hazardous wastes).

Masonry and refractory bricks.

Metal cans, containers, drums or tanks.

Metal nuts, bolts, pipes, pumps, valves, appliances or industrial equipment.

Scrap metal as defined in 35 Ill. Adm. Code 721.101(c)(6).

"Land disposal" means placement in or on the land and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility,

salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes.

"Nonwastewaters" are wastes that do not meet the criteria for "wastewaters" in this Section.

"Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with 40 CFR 761.3, incorporated by reference in 35 Ill. Adm. Code 720.111

"ppm" means parts per million.

"RCRA corrective action" means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, 40 CFR 264.100 or 265.93 (1987), or similar regulations in other States with RCRA programs authorized by USEPA pursuant to 40 CFR 271 (19862).

"USEPA" means the United States Environmental Protection Agency.

"Wastewaters" are wastes that contain less than 1% by weight total organic carbon (TOC) and less than 1% by weight total suspended solids (TSS), with the following exceptions:

F001, F002, F003, F004, F005 solvent-water mixtures that contain less than 1% by weight TOC or less than 1% by weight total F001, F002, F003, F004, F005 solvent constituents listed in Table A.

K011, K013, K014 wastewaters (as generated) that contain less than 5% by weight TOC and less than 1% by weight TSS.

K103 and K104 wastewaters contain less than 4% by weight TOC and less than 1% by weight TSS.

b) All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.110, 720.102 or 721.103.

(Source: Amended at 15 Ill. Reg. , effective )

Section 728.103 Dilution Prohibited as a Substitute for Treatment

a) Except as provided in subsection (b), no generator, transporter, handler or owner or operator of a treatment, storage or disposal facility shall in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with Subpart D, to



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circumvent the effective date of a prohibition in Subpart C, to otherwise avoid a prohibition in Subpart C.

- b) Dilution of wastes that are hazardous only because they exhibit a characteristic in a treatment system which treats wastes subsequently discharged to a water of the State pursuant to an NPDES permit issued under 35 Ill. Adm. Code 309 or which treats wastes for purposes of pretreatment requirements under 35 Ill. Adm. Code 310 is not impermissible dilution for purposes of this Section unless a method has been specified as the treatment standard in Section 728.142.

(Source: Amended at 15 Ill. Reg. , effective )

Section 728.105 Procedures for case-by-case Extensions to an Effective Date

- a) The Board incorporates by reference 40 CFR 268.5 (1989), as amended at 54 Fed. Reg 36970, September 6, 1989, and at 55 Fed. Reg. 23935, June 13, 1990. This Part incorporates no future editions or amendments.

- b) Persons may apply to USEPA for extensions of effective dates pursuant to 40 CFR 268.5. Extensions which are granted by USEPA will be deemed extensions of dates specified in the derivative Board rule.

(Source: Amended at 15 Ill. Reg. , effective )

Section 728.107 Waste Analysis and Recordkeeping

- a) Except as specified in Section 728.132 or 728.143, the generator shall test the generator's waste, or test an extract developed using the test method described in Appendix A, or use knowledge of the waste, to determine if the waste is restricted from land disposal under this Part.

- 1) If a generator determines that the generator is managing a restricted waste under this Part and determines that the waste does not meet the applicable treatment standards set forth in Subpart D or exceeds the applicable prohibition levels set forth in Section 728.132 or 728.139, with each shipment of waste the generator shall notify the treatment or storage facility in writing of the appropriate treatment standard set forth in Subpart D and any applicable prohibition levels set forth in Section 728.132 or 728.139. The notice must include the following information:

- A) USEPA Hazardous Waste Number;

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- B) The corresponding treatment standards for wastes F001-F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either be referenced as above, or by including on the notification the subcategory of the waste, the treatability group(s) of the waste(s), and the Section and subsection where the treatment standards appear. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the notification. ~~and all applicable standards set forth in Section 728.132 or 728.139;~~
- C) The manifest number associated with the shipment of waste; and

- D) Waste analysis data, where available.

- 2) If a generator determines that the generator is managing a restricted waste under this Part, and determines that the waste can be land disposed without further treatment, with each shipment of waste the generator shall submit, to the treatment, storage or land disposal facility, a notice and a certification stating that the waste meets the applicable treatment standards set forth in Subpart D and the applicable prohibition levels set forth in Section 728.132 or 728.139.

- A) The notice must include the following information:

- i) USEPA Hazardous Waste Number;
- ii) The corresponding treatment standards for wastes F001-F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either be referenced as above, or by including on the notification the subcategory of the waste, the treatability group(s) of the waste(s), and the Section and subsection where the treatment standards appear. Where the applicable treatment standards are expressed as



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specified technologies in Section 728.142, the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the notification.<sup>7</sup>

iii) The manifest number associated with the shipment of waste;

iv) Waste analysis data, where available.

B) The certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728.Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132, 728.139 or Section 3004(d) of the Resource Conservation and Recovery Act. I believe that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

3) If a generator's waste is subject to an exemption from a prohibition on the type of land disposal method utilized for the waste (such as, but not limited to, a case-by-case extension under Section 728.105, an exemption under Section 728.106, an extension under Section 728.101(c)(3) or a nationwide capacity variance under 40 CFR 268.Subpart C (1989), with each shipment of waste, the generator shall submit a notice with the waste to the facility receiving the generator's waste, stating that the waste is not prohibited from land disposal. The notice must include the following information:

A) EPA hazardous waste number:

B) The corresponding treatment standards for wastes F001-F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted

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wastes must either be referenced as above, or by including on the notification the subcategory of the waste, the treatability group(s) of the waste(s), and the Section and subsection where the treatment standards appear. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the notification. ~~and all applicable prohibitions set forth in Section 728.132 or 728.139.~~

C) The manifest number associated with the shipment of waste;

D) Waste analysis data, where available, and

E) The date the waste is subject to the prohibitions.

4) If a generator determines that the generator is managing a prohibited waste in tanks or containers regulated under 35 Ill. Adm. Code 722.134, and is treating such waste in such tanks or containers to meet applicable treatment standards under Subpart D, the generator shall develop and follow a written waste analysis plan which describes the procedures the generator will carry out to comply with the treatment standards. The plan must be kept on-site in the generator's records, and the following requirements must be met: that is subject to the prohibitions under Section 728.133(ff) (including wastes that are disposed of in disposal units other than landfill or surface impoundments) and is not subject to the prohibitions set forth in Section 728.132 with each shipment of waste, the generator shall notify the treatment storage or disposal facility in writing, of any applicable prohibitions set forth in Section 728.133(ff). The notice must include the following information:

A) ~~USEPA hazardous waste number;~~

B) ~~The applicable prohibitions set forth in Section 728.133(ff);~~

C) ~~The manifest number associated with the shipment of waste, and~~

D) ~~Waste analysis data where available;~~

A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative



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sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this Part, including the selected testing frequency.

B1 Such plan must be filed with the Agency a minimum of 30 days prior to the treatment activity, with delivery verified.

C1 Wastes shipped off-site pursuant to this subsection must comply with the notification requirements of Section 728.107(a)(2).

5) If a generator determines whether the waste is restricted based solely on the generator's knowledge of the waste, the generator shall retain all supporting data used to make this determination on-site in the generator's files. If a generator determines whether the waste is restricted based on testing the waste or an extract developed using the test method described in Appendix A, the generator shall retain all waste analysis data on site in the generator's files.

6) Generators shall retain on-site a copy of all notices, certifications, demonstrations, waste analysis data and other documentation produced pursuant to this Section for at least five years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment storage or disposal. The five year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency.

7) If a generator is managing a lab pack that contains wastes identified in Appendix D and wishes to use the alternative treatment standard under Section 728.142, with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1). The generator shall also comply with the requirements in subsections (a)(5) and (a)(6), and shall submit the following certification, which must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only the wastes specified in 35 Ill. Adm. Code 728.107(a)(2). I am aware to regulation under 35 Ill. Adm. Code 721. I am aware that there are significant penalties for submitting a

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false certification, including the possibility of fine or imprisonment.

8) If a generator is managing a lab pack that contains organic wastes specified in Appendix E and wishes to use the alternate treatment standards under Section 728.142, with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1). The generator also shall comply with the requirements in subsections (a)(5) and (a)(6), and shall submit the following certification which must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste and that the lab pack contains only organic waste specified in 35 Ill. Adm. Code 728.107(a)(2). I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

9) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) shall comply with the applicable notification and certification requirements of subsection (a) for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended following notification pursuant to Section 31(d) of the Environmental Protection Act, until either any subsequent enforcement action is resolved, or the Agency notifies the generator documents need no be retained.

b) Treatment facilities shall test their wastes according to the frequency specified in their waste analysis plans as required by 35 Ill. Adm. Code 724.113 or 725.113. Such testing must be performed as provided in subsections (b)(1), (b)(2) and (b)(3).

1) For wastes with treatment standards expressed as concentrations in the waste extract (Section 728.141), the owner or operator of the treatment facility shall test the treatment residues or an extract of such residues developed using the test method described in Appendix A to assure that



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the treatment residues or extract meet the applicable treatment standards.

- 2) For wastes prohibited under Section 728.132 or 728.139 which are not subject to any treatment standards under Subpart D, the owner or operator of the treatment facility shall test the treatment residues according to the generator testing requirements specified in Section 728.132 to assure that the treatment residues comply with the applicable prohibitions.

- 3) For wastes with treatment standards expressed as concentrations in the waste (Section 728.143), the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

- 4) A notice must be sent to the land disposal facility which includes the following information:

- A) USEPA Hazardous Waste Number;
- B) The corresponding treatment standards for wastes F001-F005, F039 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for all other restricted wastes must either be referenced as above, or by including on the notification the subcategory of the waste, the treatability group(s) of the waste(s), and the Section and subsection where the treatment standards appear. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the notification. ~~and all applicable prohibitions set forth in Section 728.132 or 728.139.~~

- C) The manifest number associated with the shipment of waste; and

- D) Waste analysis data, where available.

- 5) The treatment facility shall submit a certification with each shipment of waste or treatment residue of a restricted waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the treatment standards specified in Subpart D and the

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applicable prohibitions set forth in Section 728.132 or 728.139.

- A) For wastes with treatment standards expressed as concentrations in the waste extract or in the waste (Sections 728.141 or 728.143), or for wastes prohibited under Section 728.132 or 728.139 which are not subject to any treatment standards under Subpart D, the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the performance levels specified in 35 Ill. Adm. Code 728. Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132 or 728.139 or section 3004(d) of the Resource Conservation and Recovery Act without impermissible dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- B) For wastes with treatment standards expressed as technologies (Section 728.142), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.142. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- C) For wastes with treatment standards expressed as concentrations in the waste pursuant to Section 728.143, if compliance with the treatment standards in Subpart D is based in part or in whole on the analytical detection limit alternative specified in



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Section 728.143(c), the certification also must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by incineration in units operated in accordance with 35 Ill. Adm. Code 724. Subpart O) or 35 Ill. Adm. Code 725. Subpart O, or by combustion in fuel substitution units operating in accordance with applicable technical requirements, and I have been unable to detect the nonwastewater organic constituents despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

6) If the waste or treatment residue will be further managed at a different treatment or storage facility, the treatment, storage or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.

7) ~~For wastes that are subject to the prohibitions under Section 728.133(f) and are not subject to the prohibitions set forth in Section 728.132, with each shipment of such waste the owner or operator shall notify any subsequent treatment, storage or disposal facility in writing, of any applicable prohibitions in writing, of any applicable prohibitions set forth in Section 728.133(f). The notice must include the following information:~~

A) ~~US EPA hazardous waste number~~

B) ~~The applicable prohibitions set forth in Section 728.133(f)~~

C) ~~The manifest number associated with the shipment of waste, and~~

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B) ~~Waste analysis data, where available:~~

87) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e. the recycler) is not required to notify the receiving facility pursuant to subsection (b)(4). With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)(5), and a notice which includes the information listed in subsection (b)(4) (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.

c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall:

- 1) Have copies of the notice and certification specified in subsection (a) or (b), and the certification specified in Section 728.108 if applicable.
- 2) Test the waste, or an extract of the waste or treatment residue developed using the test method described in Appendix A or using any methods required by generators under Section 728.132, to assure that the wastes or treatment residues are in compliance with the applicable treatment standards set forth in Subpart D and all applicable prohibitions set forth in Sections 728.132 or 728.139. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 725.113.
- 3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator shall ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f)



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and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132

- 4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (3) with respect to such waste.

(Source: Amended at 15 Ill. Reg. , effective )

Section 728.108 Landfill and Surface Impoundment Disposal Restrictions  
(Repealed)

~~the Board incorporates by reference 40 CFR 268.8 (1999), as amended at 54 Fed. Reg. 36970, September 6, 1989. This section incorporates no future editions or amendments. Prior to May 8, 1990, wastes which are otherwise prohibited from land disposal under Section 728.133(f) may be disposed in a landfill or surface impoundment which is in compliance with the requirements of 40 CFR 268.5(h)(2), incorporated by reference in Section 728.105, provided the requirements of 40 CFR 268.8 are met.~~

(Source: Repealed at 15 Ill. Reg. , effective )

## Section 728.109 Special Rules for Characteristic Wastes

- a) The initial generator of a solid waste shall determine each waste code applicable to the waste in order to determine the applicable treatment standards under Subpart D. For purposes of part 268, the waste will carry a waste code designation for any applicable listing under 35 Ill. Adm. Code 721.Subpart D, and also one or more waste code designations under 35 Ill. Adm. Code 721.Subpart C where the waste exhibits the relevant characteristic.

- b) Where a prohibited waste is both listed under 35 Ill. Adm. Code 721.Subpart D and exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C, the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.Subpart D will operate in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.Subpart C, provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic waste codes.

- c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste which exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C shall be land

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disposed unless the waste complies with the treatment standards under Subpart D.

- d) Wastes that exhibit a characteristic are also subject to Section 728.107 requirements, except that once the waste is no longer hazardous, for each shipment of such wastes to a non-hazardous waste facility, regulated under 35 Ill. Adm. Code 807 or 811 through 815, or exempted under Section 21(d)(1)(i) of the Environmental Protection Act, or similarly regulated in other States, the initial generator or the treatment facility need not send a Section 728.107 notification to such facility. In such circumstances, a notification and certification must be sent to the Agency, or, for out-of-State shipments, to the appropriate USEPA Regional Administrator or State authorized, pursuant to 40 CFR 271, to implement 40 CFR 268 requirements.

1) The notification must include the following information:

- A) The name and address of the non-hazardous waste facility receiving the waste shipment;
- B) A description of the waste as initially generated, including the applicable USEPA Hazardous Waste Number(s) and treatability group(s);
- C) The treatment standards applicable to the waste at the initial point of generation.

- 2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(b)(5)(A).

(Source: Added at 15 Ill. Reg. , effective )

## SUBPART C: PROHIBITIONS ON LAND DISPOSAL

Section 728.135 Waste Specific Prohibitions--Third Third wastes.

- a) The following wastes are prohibited from land disposal.

- 1) The wastes specified in 35 Ill. Adm. Code 721.131 as EPA Hazardous Waste Numbers:

F006 (wastewaters),  
F019  
F039 (wastewaters);



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- 2) The wastes specified in 35 Ill. Adm. Code 721.132 as EPA  
Hazardous Waste Numbers:

K002  
K003  
K004 (wastewaters)  
K005 (wastewaters)  
K006  
K008 (wastewaters)  
K011 (wastewaters)  
K013 (wastewaters)  
K014 (wastewaters)  
K017  
K021 (wastewaters)  
K022 (wastewaters)  
K025 (wastewaters)  
K026  
K029 (wastewaters)  
K031 (wastewaters)  
K032  
K033  
K034  
K035  
K041  
K042  
K046 (wastewaters)  
K048 (wastewaters)  
K049 (wastewaters)  
K050 (wastewaters)  
K051 (wastewaters)  
K052 (wastewaters)  
K060 (wastewaters)  
K061 (wastewaters)  
K069 (wastewaters)  
K073  
K083 (wastewaters)  
K084 (wastewaters)  
K085  
K095 (wastewaters)  
K096 (wastewaters)  
K097  
K098  
K100 (wastewaters)  
K101 (wastewaters)  
K102 (wastewaters)  
K105  
K106 (wastewaters)

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- 3) The wastes specified in 35 Ill. Adm. Code 721.133(e) as EPA  
Hazardous Waste Numbers:

P001  
P002  
P003  
P004  
P005  
P006  
P007  
P008  
P009  
P010 (wastewaters)  
P011 (wastewaters)  
P012 (wastewaters)  
P014  
P015  
P016  
P017  
P018 (wastewaters)  
P020  
P022  
P023  
P024  
P027  
P028  
P031  
P033  
P034  
P036 (wastewaters)  
P037  
P038 (wastewaters)  
P042  
P045  
P046  
P047  
P048  
P049  
P050  
P051  
P054  
P056  
P057  
P058  
P059  
P060  
P064  
P065 (wastewaters)



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P066  
P067  
P068  
P069  
P070  
P072  
P073  
P075  
P076  
P077  
P078  
P081  
P082  
P084  
P088  
P092 (wastewaters)  
P093  
P095  
P096  
P101  
P102  
P103  
P105  
P108  
P109  
P110  
P112  
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P119  
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- 4) The wastes specified in 35 Ill. Adm. Code 721.133(f) as EPA  
Hazardous Waste Numbers:

U001  
U002  
U003  
U004  
U005  
U006  
U007  
U008

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U009  
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U116  
U117

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- 4) The following wastes identified as hazardous based on a characteristic alone:

D001  
D002  
D003  
D004 (wastewaters)  
D005  
D006  
D007  
D008 (except for lead materials stored before secondary smelting)  
D009 (wastewaters)  
D010  
D011  
D012  
D013  
D014  
D015  
D016  
D017

- b) The following wastes are prohibited from land disposal. The wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste Numbers:

K048 (nonwastewaters)  
K049 (nonwastewaters)  
K050 (nonwastewaters)  
K051 (nonwastewaters)



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K052 (nonwastewaters)

c1) Effective May 8, 1992, the following wastes are prohibited from land disposal:

1) The wastes specified in 35 Ill. Adm. Code 721.131 as EPA Hazardous Waste Numbers:

F039 (nonwastewaters)

2) The wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste Numbers:

K031 (nonwastewaters)  
K084 (nonwastewaters)  
K101 (nonwastewaters)  
K102 (nonwastewaters)  
K106 (nonwastewaters)

3) The wastes specified in 35 Ill. Adm. Code 721.133(e) as EPA Hazardous Waste Numbers:

P010 (nonwastewaters)  
P011 (nonwastewaters)  
P012 (nonwastewaters)  
P036 (nonwastewaters)  
P038 (nonwastewaters)  
P065 (nonwastewaters)  
P087 (nonwastewaters)  
P092 (nonwastewaters)

4) The wastes specified in 35 Ill. Adm. Code 721.133(f) as EPA Hazardous Waste Numbers:

U136 (nonwastewaters)  
U151 (nonwastewaters)

5) The following wastes identified as hazardous based on a characteristic alone:

D004 (nonwastewaters)  
D008 (lead materials stored before secondary smelting)  
D009 (nonwastewaters):

6) Inorganic solids debris as defined in 35 Ill. Adm. Code 728.102(a)(7) (which also applies to chromium refractory bricks carrying the EPA Hazardous Waste Numbers K048-K052).

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7) RCRA hazardous wastes that contain naturally occurring radioactive materials.

d) Effective May 8, 1992, hazardous wastes listed in 40 CFR 268.12 that are mixed radioactive/hazardous wastes are prohibited from land disposal.

e) Effective May 8, 1992, the wastes specified in this Section having a treatment standard in Subpart D based on incineration, mercury retorting or vitrification, and which are contaminated soil or debris, are prohibited from land disposal.

h) Between May 8, 1990, and May 8, 1992, wastes included in subsections (c), (d) and (e) shall be disposed of in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in Section 728.105(h)(2).

i) The requirements of subsections (a), (b), (c), (d) and (e) do not apply if:

1) The wastes meet the applicable standards specified in Subpart D;

2) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;

3) The wastes meet the applicable alternate standards established pursuant to a petition granted under Section 728.144;

4) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to these wastes covered by the extension.

j) To determine whether a hazardous waste listed in 40 CFR 268.10, 268.11 and 268.12 exceeds the applicable treatment standards specified in Sections 728.141 and 728.143, the initial generator shall either test a representative sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or use knowledge of the waste. If the waste contains constituents in excess of the applicable Subpart D levels, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.



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(Source: Added at 15 Ill. Reg. , effective )

## SUBPART D: TREATMENT STANDARDS

## Section 728.140 Applicability of Treatment Standards

a) A restricted waste identified in Section 728.141 may be land disposed ~~without further treatment~~ only if an extract of the waste or of the treatment residue of the waste developed using the test method Appendix A does not exceed the value shown in Table A for any hazardous constituent listed in Table A for that waste, with the following exceptions: D004, D008, K031, K084, K101, K102, P010, P011, P012, P036, P038 and U136. Wastes D004, D008, K031, K084, K101, K102, P010, P011, P012, P036, P038 and U136 may be land disposed only if an extract of the waste or of the treatment residue of the waste developed using either the test method in 35 Ill. Adm. Code 721.142(a) or the test method in 35 Ill. Adm. Code 728.142(b) does not exceed the value shown in Table B for any hazardous constituent listed in Table A for that waste.

b) A restricted waste for which a treatment technology is specified under Section 728.142(a) may be land disposed after it is treated using that specified technology or an equivalent treatment method approved by the Agency under the procedures set forth in Section 728.142(b).

c) Except as otherwise specifies in Section 728.143(c), a restricted waste identified in Section 728.143 may be land disposed only if the constituent concentrations in the waste or treatment residue of the waste do not exceed the value shown in Table B for any hazardous constituent listed in Table B for that waste.

(Source: Amended at 15 Ill. Reg. , effective )

## Section 728.141 Treatment Standards expressed as Concentrations in Waste Extract

a) Table A identifies the restricted wastes and the concentrations of their associated hazardous constituents which may not be exceeded by the extract of a waste or waste treatment residual developed using the test method in Appendix A for the allowable land disposal of such waste, with the exception of wastes D004, D008, K031, K084, K101, K102, P010, P011, P012, P036, P038 and U136. Table A identifies the restricted wastes D004, D008, K031, K084, K101, K102, P010, P011, P012, P036, P038 and U136 and the concentrations of their associated constituents which must not be exceeded by the extract of a waste or waste treatment residual

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developed using the test method in 35 Ill. Adm. Code 721.142. Appendix A or B for the allowable land disposal of such wastes. (Appendix B provides guidance on treatment methods that have been shown to achieve the Table A levels for the respective wastes. Appendix B is not a regulatory requirement but is provided to assist generators and owners or operators in their selection of appropriate treatment methods.) Compliance with these concentrations is required based on grab samples.

b) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

## Section 728.142 Treatment Standards expressed as Specified Technologies

a) The following wastes in subsections (a)(1) and (2) and Table D and E must be treated using the identified technology or technologies specified in subsections (a)(1) and (2) and Table C, or an equivalent method approved under subsection (b):

- 1) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm but less than 500 ppm must be incinerated in accordance with technical requirements at 40 CFR 761.70, incorporated by reference in 35 Ill. Adm. Code 720.111, or burned in high efficiency boilers in accordance with the technical requirements of 40 CFR 761.60. Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70. Thermal treatment in accordance with this Section must be in compliance with applicable regulations in 35 Ill. Adm. Code 724, 725 and 726.

- 2) Nonliquid hazardous wastes containing halogenated organic compounds (HOCs) in total concentrations greater than or equal to 1000 mg/kg and liquid HOC-containing wastes that are prohibited under Section 728.132(e)(1) must be incinerated in accordance with the requirements of 35 Ill. Adm. Code 724. Subpart O or 35 Ill. Adm. Code 725. Subpart O or in boilers or industrial furnaces, as defined in 35 Ill. Adm. Code 720, burning in accordance with 35 Ill. Adm. Code 726. These treatment standards do not apply where the waste is subject to a Subpart C treatment standard for a specific HOC (such as a hazardous waste chlorinated solvent for which a treatment standard is established under Section 728.141(a)).



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- 3) ~~The wastewater form of the following hazardous wastes must be incinerated in accordance with the requirements of 35 Ill. Adm. Code 724-Subpart O, or 35 Ill. Adm. Code 725-Subpart O, or burned in boilers or industrial furnaces as defined in 35 Ill. Adm. Code 720, in accordance with 35 Ill. Adm. Code 726.~~

K027  
K039  
K113  
K114  
K115  
K116  
P040  
P041  
P043  
P044  
P062  
P085  
P109  
P111  
U050  
U087  
U221  
U223

- 4) ~~The wastewater form of the following hazardous wastes must be treated by carbon adsorption, or incineration, or pretreatment followed by carbon adsorption.~~

K027  
K039  
K113  
K114  
K115  
K116  
P040  
P041  
P043  
P044  
P062  
P085  
P109  
P111  
U050  
U087  
U221  
U223

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- b) Any person may submit an application to the Agency demonstrating that an alternative treatment method can achieve a level of performance equivalent to that achievable by methods specified in subsections (a), (c) and (d). The applicant shall submit information demonstrating that the applicant's treatment method is in compliance with federal and state requirements, including this Part, 35 Ill. Adm. Code 709, 724, 725, 726 and 729 and Sections 22.6 and 39(h) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.6 and 1039(h)), and is protective of human health or the environment. On the basis of such information and any other available information, the Agency shall approve the use of the alternative treatment method if the Agency finds that the alternative treatment method provides a measure of performance equivalent to that achieved by methods specified in subsections (a), (c) and (d). Any approval must be stated in writing and may contain such provisions and conditions as the Agency determines to be appropriate. The person to whom such ~~approval~~<sup>certification</sup> is issued shall comply with all limitations contained in such determination.

- c) As an alternative to the otherwise applicable Subpart D treatment standards, lab packs are eligible for land disposal provided the following requirements are met:

- 1) The lab packs comply with the applicable provisions of 35 Ill. Adm. Code 724.416 and 725.416.

BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional restrictions on the use of lab packs.

- 2) All hazardous wastes contained in such lab packs are specified in Appendix D or Appendix E.

- 3) The lab packs are incinerated in accordance with the requirements of 35 Ill. Adm. Code 724-Subpart O or 35 Ill. Adm. Code 725-Subpart O; and

- 4) Any incinerator residues from lab packs containing D004, D005, D006, D007, D008, D010 and D011 are treated in compliance with the applicable treatment standards specified for such wastes in Subpart D.

- d) Radioactive hazardous mixed wastes with treatment standards specified in Table E are not subject to any treatment standards specified in Section 728.141, Section 728.143 or Table D. Radioactive hazardous mixed wastes not subject to treatment standards in Table E remain subject to all applicable treatment



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standards specified in Section 728.141, Section 728.143 and Table D.

(Source: Amended at 15 Ill. Reg. , effective )

Section 728.143 Treatment Standards expressed as Waste Concentrations

- a) Table B identifies the restricted wastes and the concentrations of their associated hazardous constituents which must not be exceeded by the waste or treatment residual (not an extract of such waste or treatment residual) for the allowable land disposal of such waste or residual. Compliance with these concentrations is required based upon grab samples, unless otherwise noted in Table B. ~~The wastewater and nonwastewater treatment standards in Table B are based on analysis of grab samples except the wastewater treatment standards that are based on analysis of composite samples for wastes, K009, K010, K036, K038, K040, P039, P071, P089, P094, P097 and U235.~~

- b) When wastes with different treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

- c) Notwithstanding the prohibitions specified in subsection (a) and Table B, treatment and disposal facilities may demonstrate (and certify pursuant to Section 728.107(b)(5)) compliance with the treatment standards for organic constituents specified in this Section and Table B by satisfying the following conditions:

- 1) The treatment for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O, or based on combustion in fuel substitution units operating in accordance with applicable technical requirements.
- 2) The organic constituents have been treated using the methods referenced in subsection (c)(1); and
- 3) The treatment or disposal facility has been unable to detect the organic constituents despite using its best good-faith efforts as defined by applicable standards. Until such standards are developed, such good-faith efforts may be demonstrated by showing that the treatment or disposal facility has detected the organic constituents at levels less than ten times the treatment standard specified in this Section.

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(Source: Amended at 15 Ill. Reg. , effective )



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Section 728. Appendix D Organometallic Lab Packs

Hazardous waste with the following EPA waste codes may be placed in an "organometallic" or "Appendix D lab pack:"

P001, P002, P003, P004, P005, P006, P007, P008, P009, P013, P014, P015, P016, P017, P018, P020, P022, P023, P024, P025, P026, P027, P028, P031, P034, P036, P037, P038, P039, P040, P041, P042, P043, P045, P047, P048, P049, P050, P051, P054, P056, P057, P058, P059, P060, P062, P063, P064, P065, P066, P067, P068, P069, P070, P071, P072, P073, P074, P075, P077, P081, P082, P084, P085, P087, P088, P089, P092, P093, P094, P095, P096, P097, P098, P099, P101, P102, P103, P104, P105, P108, P109, P110, P112, P113, P114, P115, P116, P118, P119, P120, P122, P123

U001, U002, U003, U004, U005, U006, U007, U008, U009, U010, U011, U012, U014, U015, U016, U017, U018, U019, U020, U021, U022, U023, U024, U025, U026, U027, U028, U029, U030, U031, U032, U033, U034, U035, U036, U037, U038, U039, U041, U042, U043, U044, U045, U046, U047, U048, U049, U050, U051, U052, U053, U055, U056, U057, U058, U059, U060, U061, U062, U063, U064, U066, U067, U068, U069, U070, U071, U072, U073, U074, U075, U076, U077, U078, U079, U080, U081, U082, U083, U084, U085, U086, U087, U088, U089, U090, U091, U092, U093, U094, U095, U096, U097, U098, U099, U101, U102, U103, U105, U106, U107, U108, U109, U110, U111, U112, U113, U114, U115, U116, U117, U118, U119, U120, U121, U122, U123, U124, U125, U126, U127, U128, U129, U130, U131, U132, U133, U134, U135, U136, U137, U138, U139, U140, U141, U142, U143, U144, U145, U146, U147, U148, U149, U150, U152, U154, U153, U154, U155, U156, U157, U158, U159, U160, U161, U162, U164, U165, U166, U167, U168, U169, U170, U171, U172, U173, U174, U176, U177, U178, U179, U180, U181, U182, U183, U184, U185, U186, U187, U188, U189, U190, U191, U192, U193, U194, U196, U197, U200, U201, U202, U203, U204, U205, U206, U207, U208, U209, U210, U211, U213, U214, U215, U216, U217, U218, U219, U220, U221, U222, U223, U225, U226, U227, U228, U234, U235, U236, U237, U238, U239, U240, U243, U244, U246, U247, U248, U249, U328, U353, U359

F001, F002, F003, F004, F005, F006, F010, F020, F021, F023, F024, F026, F027, F028

K001, K002, K008, K009, K010, K011, K013, K014, K015, K016, K017, K018, K019, K020, K021, K022, K023, K024, K025, K026, K027, K028, K029, K030, K031, K032, K033, K034, K035, K036, K037, K038, K039, K040, K041, K042, K043, K044, K045, K046, K047, K048, K049, K050, K051, K052, K054, K060, K061, K064, K065, K066, K069, K071, K073, K083, K084, K085, K086, K087, K093, K094, K095, K096, K097, K098, K099, K101, K102, K103, K104, K105, K111, K112, K113, K114, K115, K116, K117, K118, K123, K124, K125, K126, K136

D001, D002, D003, D004, D005, D006, D007, D008, D010, D011, D012, D013, D014, D015, D016, D017

U032, U136, U144, U145, U146, U163, U214, U215, U216, U217

BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional limitations on the use of lab packs.

(Source: Added at 15 Ill. Reg. , effective )



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## Section 728. Appendix E Organic Lab Packs

Hazardous wastes with the following EPA Hazardous Waste Code No. may be placed in an "organic" or "Appendix E" lab pack:

P001, P002, P003, P004, P005, P006, P007, P008, P009, P013, P014, P015, P016, P017, P018, P022, P023, P025, P026, P027, P028, P031, P034, P036, P037, P038, P039, P040, P041, P042, P043, P044, P045, P046, P047, P048, P049, P050, P051, P054, P057, P058, P059, P060, P062, P063, P064, P065, P066, P067, P068, P069, P070, P071, P072, P073, P074, P075, P077, P081, P082, P084, P085, P087, P088, P089, P092, P093, P094, P095, P096, P097, P098, P099, P101, P102, P103, P104, P105, P108, P109, P110, P111, P112, P113, P114, P115, P116, P118, P119, P120, P122, P123

U001, U002, U003, U004, U005, U006, U007, U008, U009, U010, U011, U012, U014, U015, U016, U017, U018, U019, U020, U021, U022, U023, U024, U025, U026, U027, U028, U029, U030, U031, U033, U034, U035, U036, U037, U038, U039, U041, U042, U043, U044, U045, U046, U047, U048, U049, U050, U051, U052, U053, U055, U056, U057, U058, U059, U060, U061, U062, U063, U064, U066, U067, U068, U069, U070, U071, U072, U073, U074, U075, U076, U077, U078, U079, U080, U081, U082, U083, U084, U085, U086, U087, U088, U089, U090, U091, U092, U093, U094, U095, U096, U097, U098, U099, U101, U102, U103, U105, U106, U107, U108, U109, U110, U111, U112, U113, U114, U115, U116, U117, U118, U119, U120, U121, U122, U123, U124, U125, U126, U127, U128, U129, U130, U131, U132, U133, U135, U137, U138, U139, U140, U141, U142, U143, U147, U148, U149, U150, U153, U154, U155, U156, U157, U158, U159, U160, U161, U162, U163, U164, U165, U166, U167, U168, U169, U170, U171, U172, U173, U174, U176, U177, U178, U179, U180, U181, U182, U183, U184, U185, U186, U187, U188, U189, U190, U191, U192, U193, U194, U196, U197, U200, U201, U202, U203, U205, U206, U207, U208, U209, U210, U211, U213, U214, U218, U219, U220, U221, U222, U223, U225, U226, U227, U228, U234, U235, U236, U237, U238, U239, U240, U243, U244, U246, U247, U248, U249, U328, U353, U359

F001, F002, F003, F004, F005, F010, F020, F021, F023, F024, F026, F027, F028, K001, K009, K010, K011, K013, K014, K015, K016, K017, K018, K019, K020, K021, K022, K023, K024, K025, K026, K027, K029, K030, K031, K032, K033, K034, K035, K036, K037, K038, K039, K040, K041, K042, K043, K044, K045, K046, K047, K048, K049, K050, K051, K052, K054, K056, K065, K073, K083, K084, K085, K086, K087, K093, K094, K095, K096, K097, K098, K099, K101, K102, K103, K104, K105, K111, K112, K113, K114, K115, K116, K117, K118, K123, K124, K125, K126, K136

D001, D012, D013, D014, D015, D016, D017

BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional limitations on the use of lab packs.

(Source: Added at 15 Ill. Reg. , effective )

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## Section 728. Appendix F Technologies to Achieve Deactivation of Characteristics

The treatment standard for many subcategories of D001, D002 and D003 wastes as well as for K044, K045 and K047 wastes is listed in Section 728.142 simply as "Deactivation to remove the characteristics of ignitability, corrosivity, and reactivity". US EPA has determined that many technologies, when used alone or in combination, can achieve this standard. The following presents a partial list of these technologies, utilizing the five letter technology codes established in Table C. Use of these specific technologies is not mandatory and does not preclude direct reuse, recovery or the use of other pretreatment technologies provided deactivation is achieved and these alternative methods are not performed in units designated as land disposal.

Waste code/subcategory	Nonwastewaters	Wastewaters
D001 Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1)--Low TOC Nonwastewater Subcategory (containing 1% to <10% TOC)	RORGs WETOX INCIN CHOXD BIODG	n.a.
D001 Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1)--Ignitable Wastewater Subcategory (containing <1% TOC)	n.a.	WETOX RORGs INCIN CHOXD BIODG
D001 Compressed Gases based on 35 Ill. Adm. Code 721.121(a)(3)	RCGAS FSUBS INCIN ADGAS fb. INCIN ADGAS fb. (CHOXD; or CHRED)	n.a.
D001 Ignitable Reactives based on 35 Ill. Adm. Code 721.121(a)(2)	WTRRX CHOXD CHRED STABL INCIN	n.a.
D001 Ignitable Oxidizers based on 35 Ill. Adm. Code 721.121(a)(4)	CHRED INCIN	CHRED INCIN



D002 Acid Subcategory based on 35 Ill. Adm. Code 721.122(a)(1) with pH less than or equal to 2	RCORR NEUTR INCIN	NEUTR INCIN
D002 Alkaline Subcategory based on 35 Ill. Adm. Code 721.122(a)(1) with pH greater than or equal to 12.5	NEUTR INCIN	NEUTR INCIN
D002 Other Corrosives based on 35 Ill. Adm. Code 721.122(a)(2)	CHOXD CHRED INCIN STABL	CHOXD CHRED INCIN
D003 Water Reactives based on 35 Ill. Adm. Code 721.123(a)(2), (3) and (4)	INCIN WTRRX CHOXD CHRED	n.a.
D003 Reactive Sulfides based on 35 Ill. Adm. Code 721.123(a)(5)	CHOXD CHRED INCIN STABL	CHOXD CHRED BIODG INCIN
D003 Explosives based on 35 Ill. Adm. Code 721.123(a) (6), (7) and	INCIN CHOXD CHRED	INCIN CHOXD CHRED BIODG CARBN
D003 Other Reactives based on 35 Ill. Adm. Code 721.123(a)(1)	INCIN CHOXD CHRED	INCIN CHOXD CHRED BIODG CARBN
K044 Wastewater treatment sludges from the manufacturing and processing of explosives	CHOXD CHRED INCIN	CHOXD CHRED BIODG CARBN INCIN
K045 Spent carbon from the treatment of wastewaters containing explosives	CHOXD CHRED INCIN	CHOXD CHRED BIODG CARBN INCIN
K047 Pink/red water from TNT operations		CHOXD CHRED INCIN
Note: "n.a." stands for "not applicable".		
"fb." stands for "followed by".		
(Source: Added at 15 Ill. Reg. , effective		)



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## Section 728. Appendix G Federal Effective Dates

The following are the effective dates for the USEPA rules in 40 CFR 268. These generally became effective as Illinois rules at a later date.

<u>Waste Code</u>	<u>Waste Category</u>	<u>Effective date</u>
<u>California list</u>	<u>Liquid hazardous wastes, including free liquids associated with solid or sludge, containing free cyanides at concentrations greater than or equal to 1,000 mg/l or certain metals or compounds of these metals greater than or equal to the prohibition levels</u>	<u>July 8, 1987</u>
<u>California list</u>	<u>Liquid (aqueous) hazardous wastes having a pH less than or equal to 2</u>	<u>July 8, 1987</u>
<u>California list</u>	<u>Dilute HOC wastewaters, defined as HOC-waste mixtures that are primarily water and that contain greater than or equal to 1,000 mg/l but less than 10,000 mg/l</u>	<u>July 8, 1987</u>
<u>California list</u>	<u>Liquid hazardous waste containing PCBs greater than or equal to 50 ppm</u>	<u>July 8, 1987</u>
<u>California list</u>	<u>Other liquid and non-liquid hazardous wastes containing HOCs in total concentration greater than or equal to 1,000 mg</u>	<u>Nov. 8, 1988</u>
<u>California list</u>	<u>Soil and debris HOCs not from CERCLA/RCRA corrective actions</u>	<u>July 8, 1989</u>
<u>California list</u>	<u>Soil and debris HOCs from CERCLA/RCRA corrective actions</u>	<u>Nov. 8, 1990</u>
<u>D001</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>D002</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>D003</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>D004</u>	<u>Inorganic solid debris</u>	<u>May 8, 1992</u>
<u>D004</u>	<u>Nonwastewater</u>	<u>May 8, 1992</u>

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<u>D004</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>D005</u>	<u>Inorganic solid debris</u>	<u>May 8, 1992</u>
<u>D005</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>D006</u>	<u>Inorganic solid debris</u>	<u>May 8, 1992</u>
<u>D006</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>D007</u>	<u>Inorganic solid debris</u>	<u>May 8, 1992</u>
<u>D007</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>D008</u>	<u>Inorganic solid debris</u>	<u>May 8, 1992</u>
<u>D008</u>	<u>Lead acid batteries</u>	<u>May 8, 1992</u>
<u>D008</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>D009</u>	<u>Inorganic solid debris</u>	<u>May 8, 1992</u>
<u>D009</u>	<u>High mercury nonwastewater</u>	<u>May 8, 1992</u>
<u>D009</u>	<u>Low mercury nonwastewater</u>	<u>May 8, 1992</u>
<u>D009</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>D010</u>	<u>Inorganic solid debris</u>	<u>May 8, 1992</u>
<u>D010</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>D011</u>	<u>Inorganic solid debris</u>	<u>May 8, 1992</u>
<u>D011</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>D012</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>D013</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>D014</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>D015</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>D016</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>D017</u>	<u>All</u>	<u>Aug. 8, 1990</u>



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F001-F005	All, except in next listing	Nov. 8, 1986
F001-F005	Small quantity generators, CERCLA/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids, and non CERCLA/RCRA corrective action soils with less than 1 percent total solvent constituents	Nov. 8, 1988
F001-F005	Soil and debris	Nov. 8, 1990
F002 b	All	Aug. 8, 1990
F005 c	All	Aug. 8, 1990
F006	Wastewater	Aug. 8, 1990
F006	Nonwastewater	Aug. 8, 1988
F006 (cyanides)	Nonwastewater	July 8, 1989
F007	All	July 8, 1989
F008	All	July 8, 1989
F009	All	July 8, 1989
F010	Soil and debris	June 8, 1991
F010	All others	June 8, 1989
F011	All	July 8, 1989
F012	All	July 8, 1989
F019	All	Aug. 8, 1990
F020	Soil and debris	Nov. 8, 1990
F020	All others	Nov. 8, 1988
F021	Soil and debris	Nov. 8, 1990
F021	All others	Nov. 8, 1988
F022	Soil and debris	Nov. 8, 1990

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F022	All others	Nov. 8, 1988
F023	Soil and debris	Nov. 8, 1990
F023	All others	Nov. 8, 1988
F024	Soil and debris	June 8, 1991
F024 (metals)	Nonwastewater	Aug. 8, 1990
F024	All	Aug. 8, 1990
F024 (dioxins/furans)		
F024	All others	June 8, 1989
F025	All	Aug. 8, 1990
F026	Soil and debris	Nov. 8, 1990
F026	All others	Nov. 8, 1988
F027	Soil and debris	Nov. 8, 1990
F027	All others	Nov. 8, 1988
F028	Soil and debris	Nov. 8, 1990
F028	All others	Nov. 8, 1988
F039	Wastewater	Aug. 8, 1990
F039	Nonwastewater	May. 8, 1992
K001	Soil and debris	Aug. 8, 1990
K001	All	Aug. 8, 1990
K001 (lead/organics)		
K001	All others	Aug. 8, 1988
K002	All	Aug. 8, 1990
K003	All	Aug. 8, 1990
K004	All	Aug. 8, 1990
K005 d	All	Aug. 8, 1990



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<u>K006</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>K019</u>	<u>All others</u>	<u>Aug. 8, 1988</u>
<u>K007 d</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>K020</u>	<u>Soil and debris</u>	<u>Aug. 8, 1990</u>
<u>K008</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>K020</u>	<u>All others</u>	<u>Aug. 8, 1988</u>
<u>K009</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>	<u>K021 e</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K009</u>	<u>All others</u>	<u>June 8, 1989</u>	<u>K022</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K010</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>	<u>K022</u>	<u>Nonwastewater</u>	<u>Aug. 8, 1988</u>
<u>K010</u>	<u>All others</u>	<u>June 8, 1989</u>	<u>K022</u>	<u>Soil and debris</u>	<u>Aug. 8, 1990</u>
<u>K011</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>	<u>K023</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>K011</u>	<u>Nonwastewater</u>	<u>June 8, 1989</u>	<u>K023</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>K011</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>	<u>K024</u>	<u>Soil and debris</u>	<u>Aug. 8, 1990</u>
<u>K013</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>	<u>K024</u>	<u>All others</u>	<u>Aug. 8, 1988</u>
<u>K013</u>	<u>Nonwastewater</u>	<u>June 8, 1989</u>	<u>K025 e</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K013</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>	<u>K026</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K014</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>	<u>K027</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>K014</u>	<u>Nonwastewater</u>	<u>June 8, 1989</u>	<u>K027</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>K014</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>	<u>K028</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>K015</u>	<u>Wastewater</u>	<u>Aug. 8, 1988</u>	<u>K028 (metals)</u>	<u>Nonwastewater</u>	<u>Aug. 8, 1990</u>
<u>K015</u>	<u>Nonwastewater</u>	<u>Aug. 8, 1990</u>	<u>K028</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>K016</u>	<u>Soil and debris</u>	<u>Aug. 8, 1990</u>	<u>K029</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K016</u>	<u>All others</u>	<u>Aug. 8, 1988</u>	<u>K029</u>	<u>Nonwastewater</u>	<u>June 8, 1989</u>
<u>K017</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>K029</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>K018</u>	<u>Soil and debris</u>	<u>Aug. 8, 1990</u>	<u>K030</u>	<u>Soil and debris</u>	<u>Aug. 8, 1990</u>
<u>K018</u>	<u>All others</u>	<u>Aug. 8, 1988</u>	<u>K030</u>	<u>All others</u>	<u>Aug. 8, 1988</u>
<u>K019</u>	<u>Soil and debris</u>	<u>Aug. 8, 1990</u>	<u>K031</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>

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<u>K031</u>	<u>Nonwastewater</u>	<u>May 8, 1992</u>	<u>K048</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K032</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>K048</u>	<u>Nonwastewater</u>	<u>Nov. 8, 1990</u>
<u>K033</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>K049</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K034</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>K049</u>	<u>Nonwastewater</u>	<u>Nov. 8, 1990</u>
<u>K035</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>K050</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K036 e</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>K050</u>	<u>Nonwastewater</u>	<u>Nov. 8, 1990</u>
<u>K037</u>	<u>Soil and debris</u>	<u>Aug. 8, 1990</u>	<u>K051</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K037</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>	<u>K051</u>	<u>Nonwastewater</u>	<u>Nov. 8, 1990</u>
<u>K037</u>	<u>All others</u>	<u>Aug. 8, 1988</u>	<u>K052</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K038</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>	<u>K052</u>	<u>Nonwastewater</u>	<u>Nov. 8, 1990</u>
<u>K038</u>	<u>All others</u>	<u>June 8, 1989</u>	<u>K060 e</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K039</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>	<u>K061</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K039</u>	<u>All others</u>	<u>June 8, 1989</u>	<u>K061</u>	<u>Nonwastewater</u>	<u>Aug. 8, 1988</u>
<u>K040</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>	<u>K062</u>	<u>All</u>	<u>Aug. 8, 1988</u>
<u>K040</u>	<u>All others</u>	<u>June 8, 1989</u>	<u>K069</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K041</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>K073</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K042</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>K083</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K043</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>	<u>K084</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K043</u>	<u>All others</u>	<u>June 8, 1989</u>	<u>K084</u>	<u>Nonwastewater</u>	<u>May 8, 1992</u>
<u>K044</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>K085</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K045</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>K086</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K046</u>	<u>Nonreactive nonwastewater</u>	<u>Aug. 8, 1988</u>	<u>K087</u>	<u>Soil and debris</u>	<u>Aug. 8, 1990</u>
<u>K046</u>	<u>All others</u>	<u>Aug. 8, 1990</u>	<u>K087</u>	<u>All others</u>	<u>Aug. 8, 1988</u>
<u>K047</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>K093</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>

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<u>K048</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K048</u>	<u>Nonwastewater</u>	<u>Nov. 8, 1990</u>
<u>K049</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K049</u>	<u>Nonwastewater</u>	<u>Nov. 8, 1990</u>
<u>K050</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K050</u>	<u>Nonwastewater</u>	<u>Nov. 8, 1990</u>
<u>K051</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K051</u>	<u>Nonwastewater</u>	<u>Nov. 8, 1990</u>
<u>K052</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K052</u>	<u>Nonwastewater</u>	<u>Nov. 8, 1990</u>
<u>K060 e</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K061</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K061</u>	<u>Nonwastewater</u>	<u>Aug. 8, 1988</u>
<u>K062</u>	<u>All</u>	<u>Aug. 8, 1988</u>
<u>K069</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K073</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K083</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K084</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K084</u>	<u>Nonwastewater</u>	<u>May 8, 1992</u>
<u>K085</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K086</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K087</u>	<u>Soil and debris</u>	<u>Aug. 8, 1990</u>
<u>K087</u>	<u>All others</u>	<u>Aug. 8, 1988</u>
<u>K093</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>



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<u>K093</u>	<u>All others</u>	<u>June 8, 1989</u>	<u>K106</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>K094</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>	<u>K113</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>K094</u>	<u>All others</u>	<u>June 8, 1989</u>	<u>K113</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>K095</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>	<u>K114</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>K095</u>	<u>Nonwastewater</u>	<u>June 8, 1989</u>	<u>K114</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>K095</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>	<u>K115</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>K096</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>	<u>K115</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>K096</u>	<u>Nonwastewater</u>	<u>June 8, 1989</u>	<u>K116</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>K096</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>	<u>K116</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>K097</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>P001</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K098</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>P002</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K099</u>	<u>All</u>	<u>Aug. 8, 1988</u>	<u>P003</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K100 e</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>P004</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K101</u>	<u>Wastewater</u>	<u>Aug. 8, 1988</u>	<u>P005</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K101</u>	<u>Nonwastewater</u>	<u>May 8, 1992</u>	<u>P006</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K102</u>	<u>Wastewater</u>	<u>Aug. 8, 1988</u>	<u>P007</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K102</u>	<u>Nonwastewater</u>	<u>May 8, 1992</u>	<u>P008</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K103</u>	<u>Soil and debris</u>	<u>Aug. 8, 1990</u>	<u>P009</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>K103</u>	<u>All others</u>	<u>Aug. 8, 1988</u>	<u>P010</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K104</u>	<u>Soil and debris</u>	<u>Aug. 8, 1990</u>	<u>P010</u>	<u>Nonwastewater</u>	<u>May 8, 1992</u>
<u>K104</u>	<u>All others</u>	<u>Aug. 8, 1988</u>	<u>P011</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K105</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>P011</u>	<u>Nonwastewater</u>	<u>May 8, 1992</u>
<u>K106</u>	<u>High mercury nonwastewater</u>	<u>May 8, 1992</u>	<u>P012</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>K106</u>	<u>Low mercury nonwastewater</u>	<u>May 8, 1992</u>	<u>P012</u>	<u>Nonwastewater</u>	<u>May 8, 1992</u>

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<u>K106</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>K113</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>K113</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>K114</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>K114</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>K115</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>K115</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>K116</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>K116</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>P001</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P002</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P003</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P004</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P005</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P006</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P007</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P008</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P009</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P010</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>P010</u>	<u>Nonwastewater</u>	<u>May 8, 1992</u>
<u>P011</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>P011</u>	<u>Nonwastewater</u>	<u>May 8, 1992</u>
<u>P012</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>P012</u>	<u>Nonwastewater</u>	<u>May 8, 1992</u>



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<u>P013</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P014</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P015</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P016</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P017</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P018</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P020</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P021</u>	<u>All</u>	<u>June 8, 1989</u>
<u>P022</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P023</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P024</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P026</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P027</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P028</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P029</u>	<u>All</u>	<u>June 8, 1989</u>
<u>P030</u>	<u>All</u>	<u>June 8, 1989</u>
<u>P031</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P033</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P034</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P036</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>P036</u>	<u>Nonwastewater</u>	<u>May 8, 1992</u>
<u>P037</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P038</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>
<u>P038</u>	<u>Nonwastewater</u>	<u>May 8, 1992</u>

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<u>P039</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>P039</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>P040</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>P040</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>P041</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>P041</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>P042</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P043</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>P043</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>P044</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>P044</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>P045</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P046</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P047</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P048</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P049</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P050</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P051</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P054</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P056</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P057</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P058</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P059</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P060</u>	<u>All</u>	<u>Aug. 8, 1990</u>



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NOTICE OF PROPOSED AMENDMENTS

P062	Soil and debris	June 8, 1991
P062	All others	June 8, 1989
P063	All	June 8, 1989
P064	All	Aug. 8, 1990
P065	High mercury nonwastewater	May 8, 1992
P065	Low mercury nonwastewater	May 8, 1992
P065	All others	Aug. 8, 1990
P066	All	Aug. 8, 1990
P067	All	Aug. 8, 1990
P068	All	Aug. 8, 1990
P069	All	Aug. 8, 1990
P070	All	Aug. 8, 1990
P071	Soil and debris	June 8, 1991
P071	All others	June 8, 1989
P072	All	Aug. 8, 1990
P073	All	Aug. 8, 1990
P074	All	June 8, 1989
P075	All	Aug. 8, 1990
P076	All	Aug. 8, 1990
P077	All	Aug. 8, 1990
P078	All	Aug. 8, 1990
P081	All	Aug. 8, 1990
P082	All	Aug. 8, 1990
P084	All	Aug. 8, 1990

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NOTICE OF PROPOSED AMENDMENTS

P085	Soil and debris	June 8, 1991
P085	All others	June 8, 1989
P087	All	May 8, 1992
P088	All	Aug. 8, 1990
P089	Soil and debris	June 8, 1991
P089	All others	June 8, 1989
P092	High mercury nonwastewater	May 8, 1992
P092	Low mercury nonwastewater	May 8, 1992
P092	All others	Aug. 8, 1990
P093	Soil and debris	May 8, 1992
P093	All others	Aug. 8, 1990
P094	Soil and debris	June 8, 1991
P094	All others	June 8, 1989
P095	Soil and debris	May 8, 1992
P095	All others	Aug. 8, 1990
P096	All	Aug. 8, 1990
P097	Soil and debris	June 8, 1991
P097	All others	June 8, 1989
P098	All	June 8, 1989
P099 (silver)	Wastewater	Aug. 8, 1990
P099 (cyanides)	Wastewater	June 8, 1989
P099 (cyanides/silver)	Nonwastewater	June 8, 1989
P101	All	Aug. 8, 1990



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<u>P102</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>P121</u>	<u>All</u>	<u>June 8, 1989</u>
<u>P103</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>P122</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P104 (silver)</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>	<u>P123</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P104 (cyanides)</u>	<u>Wastewater</u>	<u>June 8, 1989</u>	<u>U001</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P104 (cyanides/silver)</u>	<u>Nonwastewater</u>	<u>June 8, 1989</u>	<u>U002</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P105</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U003</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>P106</u>	<u>All</u>	<u>June 8, 1989</u>	<u>U003</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>P108</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>	<u>U004</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P108</u>	<u>All others</u>	<u>Aug. 8, 1990</u>	<u>U005</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P109</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>	<u>U006</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>P110</u>	<u>All others</u>	<u>June 8, 1989</u>	<u>U006</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>P111</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U007</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>P111</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>	<u>U007</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>P112</u>	<u>All others</u>	<u>June 8, 1989</u>	<u>U008</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P113</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U009</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>P114</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U010</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>P115</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U010</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>P116</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>	<u>U011</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>P116</u>	<u>All others</u>	<u>Aug. 8, 1990</u>	<u>U011</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>P118</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>	<u>U012</u>	<u>All</u>	<u>May 8, 1992</u>
<u>P118</u>	<u>All others</u>	<u>Aug. 8, 1990</u>	<u>U014</u>	<u>Soil and debris</u>	<u>Aug. 8, 1990</u>
<u>P119</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U014</u>	<u>All others</u>	<u>May 8, 1992</u>
<u>P120</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U015</u>	<u>Soil and debris</u>	<u>Aug. 8, 1990</u>
			<u>U015</u>	<u>All others</u>	<u>May 8, 1992</u>

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U016	All	Aug. 8, 1990	U034	Soil and debris	May 8, 1992
U017	Soil and debris	May 8, 1992	U034	All others	Aug. 8, 1990
U017	All others	Aug. 8, 1990	U035	Soil and debris	May 8, 1992
U018	All	Aug. 8, 1990	U035	All others	Aug. 8, 1990
U019	All	Aug. 8, 1990	U036	All	Aug. 8, 1990
U020	Soil and debris	May 8, 1992	U037	All	Aug. 8, 1990
U020	All others	Aug. 8, 1990	U038	Soil and debris	May 8, 1992
U021	Soil and debris	May 8, 1992	U038	All others	Aug. 8, 1990
U021	All others	Aug. 8, 1990	U039	All	Aug. 8, 1990
U022	All	Aug. 8, 1990	U041	Soil and debris	May 8, 1992
U023	All	Aug. 8, 1990	U041	All others	Aug. 8, 1990
U024	All	Aug. 8, 1990	U042	Soil and debris	May 8, 1992
U025	All	Aug. 8, 1990	U042	All others	Aug. 8, 1990
U026	Soil and debris	May 8, 1992	U043	All	Aug. 8, 1990
U026	All others	Aug. 8, 1990	U044	All	Aug. 8, 1990
U027	All	Aug. 8, 1990	U045	All	Aug. 8, 1990
U028	Soil and debris	June 8, 1991	U046	Soil and debris	May 8, 1992
U028	All others	June 8, 1989	U046	All others	Aug. 8, 1990
U029	All	Aug. 8, 1990	U047	All	Aug. 8, 1990
U030	All	Aug. 8, 1990	U048	All	Aug. 8, 1990
U031	All	Aug. 8, 1990	U049	Soil and debris	May 8, 1992
U032	All	Aug. 8, 1990	U049	All others	Aug. 8, 1990
U033	Soil and debris	May 8, 1992	U050	All	Aug. 8, 1990
U033	All others	Aug. 8, 1990	U051	All	Aug. 8, 1990

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U034	Soil and debris	May 8, 1992
U034	All others	Aug. 8, 1990
U035	Soil and debris	May 8, 1992
U035	All others	Aug. 8, 1990
U036	All	Aug. 8, 1990
U037	All	Aug. 8, 1990
U038	Soil and debris	May 8, 1992
U038	All others	Aug. 8, 1990
U039	All	Aug. 8, 1990
U041	Soil and debris	May 8, 1992
U041	All others	Aug. 8, 1990
U042	Soil and debris	May 8, 1992
U042	All others	Aug. 8, 1990
U043	All	Aug. 8, 1990
U044	All	Aug. 8, 1990
U045	All	Aug. 8, 1990
U046	Soil and debris	May 8, 1992
U046	All others	Aug. 8, 1990
U047	All	Aug. 8, 1990
U048	All	Aug. 8, 1990
U049	Soil and debris	May 8, 1992
U049	All others	Aug. 8, 1990
U050	All	Aug. 8, 1990
U051	All	Aug. 8, 1990



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<u>U052</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U053</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U055</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U056</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U057</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U058</u>	<u>Soil and debris</u>	<u>June 8, 1992</u>
<u>U058</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>U059</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U059</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U060</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U060</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U061</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U061</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U062</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U062</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U063</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U064</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U066</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U067</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U068</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U069</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>U069</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>U070</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U071</u>	<u>All</u>	<u>Aug. 8, 1990</u>

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NOTICE OF PROPOSED AMENDMENTS

<u>U072</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U073</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U073</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U074</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U074</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U075</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U076</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U077</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U078</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U079</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U080</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U081</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U082</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U083</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U084</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U085</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U086</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U087</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>U087</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>U088</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>
<u>U088</u>	<u>All others</u>	<u>June 8, 1989</u>
<u>U089</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U090</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U091</u>	<u>Soil and Debris</u>	<u>May 8, 1992</u>

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<u>U091</u>	<u>All others</u>	<u>Aug. 8, 1990</u>	<u>U110</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U092</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>	<u>U111</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U092</u>	<u>All others</u>	<u>Aug. 8, 1990</u>	<u>U112</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U093</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>	<u>U113</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U093</u>	<u>All others</u>	<u>Aug. 8, 1990</u>	<u>U114</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U094</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U114</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U095</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>	<u>U115</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U095</u>	<u>All others</u>	<u>Aug. 8, 1990</u>	<u>U116</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U096</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U116</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U097</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>	<u>U117</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U097</u>	<u>All others</u>	<u>Aug. 8, 1990</u>	<u>U118</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U098</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U119</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U099</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U119</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U101</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U120</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U102</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>	<u>U121</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U102</u>	<u>All others</u>	<u>June 8, 1989</u>	<u>U122</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U103</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U123</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U105</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U124</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U106</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U125</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U107</u>	<u>Soil and debris</u>	<u>June 8, 1991</u>	<u>U126</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U107</u>	<u>All others</u>	<u>June 8, 1989</u>	<u>U127</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U108</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U128</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U109</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U129</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U110</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>	<u>U130</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>

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<u>U110</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U111</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U112</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U113</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U114</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U114</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U115</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U116</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U116</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U117</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U118</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U119</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U119</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U120</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U121</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U122</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U123</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U124</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U125</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U126</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U127</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U128</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U129</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U130</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>



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<u>U130</u>	<u>All others</u>	<u>Aug. 8, 1990</u>	<u>U150</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U131</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U150</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U132</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>	<u>U151</u>	<u>High mercury nonwastewater</u>	<u>May 8, 1992</u>
<u>U132</u>	<u>All others</u>	<u>Aug. 8, 1990</u>	<u>U151</u>	<u>Low mercury nonwastewater</u>	<u>May 8, 1992</u>
<u>U133</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U151</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U134</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U151</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U135</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U152</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U136</u>	<u>Wastewater</u>	<u>Aug. 8, 1990</u>	<u>U153</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U136</u>	<u>Nonwastewater</u>	<u>May 8, 1992</u>	<u>U153</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U137</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U154</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U138</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U155</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U140</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U156</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U141</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U156</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U142</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U157</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U143</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>	<u>U158</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U143</u>	<u>All others</u>	<u>Aug. 8, 1990</u>	<u>U159</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U144</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U160</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U145</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U161</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U146</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U162</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U147</u>	<u>All</u>	<u>Aug. 8, 1990</u>	<u>U163</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U148</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>	<u>U163</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U148</u>	<u>All others</u>	<u>Aug. 8, 1990</u>	<u>U164</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U149</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>	<u>U164</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U149</u>	<u>All others</u>	<u>Aug. 8, 1990</u>	<u>U165</u>	<u>All</u>	<u>Aug. 8, 1990</u>

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<u>U150</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U150</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U151</u>	<u>High mercury nonwastewater</u>	<u>May 8, 1992</u>
<u>U151</u>	<u>Low mercury nonwastewater</u>	<u>May 8, 1992</u>
<u>U151</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U151</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U152</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U153</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U153</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U154</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U155</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U156</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U156</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U157</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U158</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U159</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U160</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U161</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U162</u>	<u>All</u>	<u>Aug. 8, 1990</u>
<u>U163</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U163</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U164</u>	<u>Soil and debris</u>	<u>May 8, 1992</u>
<u>U164</u>	<u>All others</u>	<u>Aug. 8, 1990</u>
<u>U165</u>	<u>All</u>	<u>Aug. 8, 1990</u>

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U166	All	Aug. 8, 1990	U184	Soil and debris	May 8, 1992
U167	Soil and debris	May 8, 1992	U184	All others	Aug. 8, 1990
U167	All others	Aug. 8, 1990	U185	All	Aug. 8, 1990
U168	Soil and debris	May 8, 1992	U186	All	Aug. 8, 1990
U168	All others	Aug. 8, 1990	U187	All	Aug. 8, 1990
U169	All	Aug. 8, 1990	U188	All	Aug. 8, 1990
U170	All	Aug. 8, 1990	U189	All	Aug. 8, 1990
U171	Soil and debris	May 8, 1992	U190	Soil and debris	June 8, 1991
U171	All others	Aug. 8, 1990	U190	All others	June 8, 1989
U172	All	Aug. 8, 1990	U191	Soil and debris	May 8, 1992
U173	Soil and debris	May 8, 1992	U191	All others	Aug. 8, 1990
U173	All others	Aug. 8, 1990	U192	All	Aug. 8, 1990
U174	All	Aug. 8, 1990	U193	Soil and debris	May 8, 1992
U176	Soil and debris	May 8, 1992	U193	All others	Aug. 8, 1990
U176	All others	Aug. 8, 1990	U194	Soil and debris	May 8, 1992
U177	Soil and debris	May 8, 1992	U194	All others	Aug. 8, 1990
U177	All others	Aug. 8, 1990	U196	All	Aug. 8, 1990
U178	Soil and debris	May 8, 1992	U197	All	Aug. 8, 1990
U178	All others	Aug. 8, 1990	U200	Soil and debris	May 8, 1992
U179	All	Aug. 8, 1990	U200	All others	Aug. 8, 1990
U180	All	Aug. 8, 1990	U201	All	Aug. 8, 1990
U181	All	Aug. 8, 1990	U202	Soil and debris	May 8, 1992
U182	All	Aug. 8, 1990	U202	All others	Aug. 8, 1990
U183	All	Aug. 8, 1990	U203	All	Aug. 8, 1990

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U184	Soil and debris	May 8, 1992
U184	All others	Aug. 8, 1990
U185	All	Aug. 8, 1990
U186	All	Aug. 8, 1990
U187	All	Aug. 8, 1990
U188	All	Aug. 8, 1990
U189	All	Aug. 8, 1990
U190	Soil and debris	June 8, 1991
U190	All others	June 8, 1989
U191	Soil and debris	May 8, 1992
U191	All others	Aug. 8, 1990
U192	All	Aug. 8, 1990
U193	Soil and debris	May 8, 1992
U193	All others	Aug. 8, 1990
U194	Soil and debris	May 8, 1992
U194	All others	Aug. 8, 1990
U196	All	Aug. 8, 1990
U197	All	Aug. 8, 1990
U200	Soil and debris	May 8, 1992
U200	All others	Aug. 8, 1990
U201	All	Aug. 8, 1990
U202	Soil and debris	May 8, 1992
U202	All others	Aug. 8, 1990
U203	All	Aug. 8, 1990



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U204	All	Aug. 8, 1990
U205	All	Aug. 8, 1990
U206	Soil and debris	May 8, 1992
U206	All others	Aug. 8, 1990
U207	All	Aug. 8, 1990
U208	All	Aug. 8, 1990
U209	All	Aug. 8, 1990
U210	All	Aug. 8, 1990
U211	All	Aug. 8, 1990
U213	All	Aug. 8, 1990
U214	All	Aug. 8, 1990
U215	All	Aug. 8, 1990
U216	All	Aug. 8, 1990
U217	All	Aug. 8, 1990
U218	Soil and debris	May 8, 1992
U218	All others	Aug. 8, 1990
U219	Soil and debris	May 8, 1992
U219	All others	Aug. 8, 1990
U220	All	Aug. 8, 1990
U221	Soil and debris	June 8, 1991
U221	All others	June 8, 1989
U222	Soil and debris	May 8, 1992
U222	All others	Aug. 8, 1990
U223	Soil and debris	June 8, 1991

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U223	All others	June 8, 1989
U225	All	Aug. 8, 1990
U226	All	Aug. 8, 1990
U227	All	Aug. 8, 1990
U228	All	Aug. 8, 1990
U234	Soil and debris	May 8, 1992
U234	All others	Aug. 8, 1990
U235	Soil and debris	June 8, 1991
U235	All others	June 8, 1989
U236	Soil and debris	May 8, 1992
U236	All others	Aug. 8, 1990
U237	Soil and debris	May 8, 1992
U237	All others	Aug. 8, 1990
U238	Soil and debris	May 8, 1992
U238	All others	Aug. 8, 1990
U239	All	Aug. 8, 1990
U240	Soil and debris	May 8, 1992
U240	All others	Aug. 8, 1990
U243	All	Aug. 8, 1990
U244	Soil and debris	May 8, 1992
U244	All others	Aug. 8, 1990
U246	All	Aug. 8, 1990
U247	All	Aug. 8, 1990
U248	All	Aug. 8, 1990

U249 All Aug. 8, 1990

a This table does not include mixed radioactive wastes (from the First, Second, and Third rules) which are receiving a national capacity variance until May 8, 1992 for all applicable treatment technologies.

b Standards are being promulgated for 1,1,2-trichloroethane and 2-nitropropane for wastewaters and nonwastewaters.

c Standards are being promulgated for benzene and 2-ethoxyethanol for wastewaters and nonwastewaters.

d Treatment standards for nonwastewaters disposed of after June 8, 1989, were promulgated June 8, 1989.

e Treatment standards for nonwastewaters disposed of after August 17, 1988, were promulgated May 2, 1989.

BOARD NOTE: This table is provided for the convenience of the reader.

(Source: Added at 15 Ill. Reg. , effective )

Waste Code Waste Category Effective date

F001-F005 All spent F001-F005 solvent containing less than 1 percent total F001-F005 solvent constituents August 8, 1990.

California list Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing free cyanides at concentrations greater than or equal to 1,000 mg/l, or containing certain metals or compounds of these metals greater than or equal to the prohibition levels August 8, 1990

California list Liquid hazardous waste having a pH less than or equal to 2 August 8, 1990

California list Hazardous wastes containing HOCs in total concentrations less than 10,000 mg/l but greater than or equal to 1,000 mg/l August 8, 1990

D002 b All May 8, 1992

D003 (cyanides) All May 8, 1992

D003 (sulfides) All May 8, 1992

D003 (explosives, reactives) All May 8, 1992

D007 All May 8, 1992

D009 High Mercury Nonwastewater May 8, 1992

D009 Low Mercury Nonwastewater May 8, 1992

F011 All June 8, 1991

F039 Wastewater May 8, 1992

K009 Wastewater June 8, 1991

K011 Nonwastewater June 8, 1991

K011 Wastewater May 8, 1992



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K013 Nonwastewater

K013 Wastewater

K014 All

K016 (dilute) All

K048 All

K049 All

K050 All

K051 All

K052 All

K062 All

K071 All

K104 All

a Wastes that are deep well disposed on-site receive a six-month variance, with restrictions effective in November 1990.

b Deepwell injected D002 liquids with a pH less than 2 must meet the California List treatment standards on August 8, 1990.

BOARD NOTE: This table is provided for the convenience of the reader.

(Source: Added at 15 Ill. Reg. , effective )

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Section 728, Table A Constituent Concentrations in Waste Extract (CWE)

F001 F005 Spent Solvents	Concentration (in mg/lb)	
	Wastewater	All other
	containing	spent
	solvents	solvent
		wastes
Acetone	0.05	0.59
n-Butyl alcohol	5.0	5.0
Carbon disulfide	1.05	4.81
Carbon tetrachloride	0.05	0.96
Chlorobenzene	0.15	0.05
Cresols (and cresylic acid)	2.82	0.75
Cyclohexanone	0.125	0.75
1,2-Dichlorobenzene	0.65	0.125
Ethyl acetate	0.05	0.75
Ethylbenzene	0.05	0.053
Ethyl ether	0.05	0.75
Isobutanol	5.0	5.0
Methanol	0.25	0.75
Methylene chloride	0.20	0.96
Methyl ethyl ketone	0.05	0.75
Methyl isobutyl ketone	0.05	0.33
Nitrobenzene	0.66	0.125
Pyridine	1.12	0.33
Tetrachloroethylene	0.079	0.05
Toluene	1.12	0.33
1,1,1-Trichloroethane	1.05	0.41
1,1,2-Trichloro-1,2,2-trifluoroethane	1.05	0.96
Trichloroethylene	0.062	0.091
Trichlorofluoromethane	0.05	0.96
Xylene	0.05	0.15
F006 nonwastewaters (see also Table B)	Concentration	
	(in mg/lb)	
Cadmium	0.066	
Chromium (Total)	5.2	
Cobalt	0.51	
Nickel	0.32	
Silver	0.072	
Cyanides (Total)	Reserved	

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F020 F023 and F026	F028	Concentration (Maximum)
Dioxin-Containing Wastes		
HxCDD	All Hexachlorodibenzo-p-dioxins	1 ppb
HxCDF	All Hexachlorodibenzofurans	1 ppb
PeCDD	All Pentachlorodibenzo-p-dioxins	1 ppb
PeCDF	All Pentachlorodibenzofurans	1 ppb
TeCDD	All Tetrachlorodibenzo-p-dioxins	1 ppb
TeCDF	All Tetrachlorodibenzofurans	1 ppb
2,4,5-Trichlorophenol		0.05 ppm
2,4,6-Trichlorophenol		0.05 ppm
2,3,7,6-Tetrachlorophenol		0.10 ppm
Pentachlorophenol		0.01 ppm
K001 nonwastewaters (see also Table B)		
		Concentration- (in mg/L)
Lead		0.51
K022 nonwastewaters (see also Table B)		
		Concentration- (in mg/L)
Chromium (Total)		5.2
Nickel		0.32
K046 nonwastewaters (Nonreactive Subcategory)		
		Concentration- (in mg/L)
Lead		0.10
K049, K049, K050, K051 and K052 nonwastewaters (see also Table B)		
		Concentration- (in mg/L)
Arsenic		0.004
Chromium (Total)		1.7
Nickel		0.048
Selenium		0.025

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K061 nonwastewaters (Low Fine Subcategory less than 15% total zinc)		Concentration- (in mg/L)
Cadmium		0.14
Chromium (Total)		5.2
Lead		0.24
Nickel		0.32
K061 nonwastewaters (High Fine Subcategory 15% or greater total zinc) effective until 8/8/90		Concentration- (in mg/L)
Cadmium		0.14
Chromium (Total)		5.2
Lead		0.24
Nickel		0.32
K062 nonwastewaters		Concentration- (in mg/L)
Chromium (Total)		0.094
Lead		0.37
K071 nonwastewaters		Concentration- (in mg/L)
Mercury		0.025
K096 nonwastewaters (Solvent Washes Subcategory) see also Table B		Concentration- (in mg/L)
Chromium (Total)		0.094
Lead		0.37
K097 nonwastewaters (see also Table B)		Concentration- (in mg/L)
Lead		0.51



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K101 and K102 nonwastewaters (Low Arsenic Subcategory less than 10 Total Arsenic) (see also Table B)

Waste See Code Also	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	Concentration (mg/l) Wastewaters	Non- wastewaters
Cadmium			Concentration- (in mg/l)	
Chromium (Total)			0.066	
Lead			5.2	
Nickel			0.51	
			0.32	

## D, F and K Listed Wastes

Waste See Code Also	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	Concentration (mg/l) Wastewaters	Non- wastewaters
D004 Table B Arsenic		7440-38-2	NA	5.0 #
D005 Table B Barium		7440-39-3	NA	100.
D006 Table B Cadmium		7440-43-9	NA	1.0
D007 Table B Chromium (Total)		7440-47-32	NA	5.0
D008 Table B Lead		7439-92-1	NA	5.0
D009 (Low Mercury Subcategory--less than 260 mg/kg Mercury)		7439-97-6	NA	0.20
Tables B & D				
D010 Table B Selenium		7782-49-2	NA	5.7
D011 Table B Silver		7440-22-4	NA	5.0
F001-F005 spent solvents				
Tables B & D				
Acetone		67-64-1	0.25	0.59
n-Butyl alcohol		71-36-3	5.0	5.0
Carbon disulfide		75-15-0	1.05	4.81
Carbon tetrachloride		56-23-5	0.05	0.96
Chlorobenzene		108-90-7	0.15	0.05
Cresols (and cresylic acid)			2.82	0.75
Cyclohexanone		108-94-1	0.125	0.75
1,2-Dichlorobenzene		95-50-1	0.65	0.125
Ethyl acetate		141-78-6	0.05	0.75
Ethylbenzene		100-41-4	0.05	0.053
Ethyl ether		50-29-7	0.05	0.75

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Isobutanol	78-83-1	5.0	5.0
Methanol	67-56-1	0.25	0.75
Methylene chloride	75-9-2	0.20	0.9
Methyl ethyl ketone	78-93-3	0.05	0.75
Methyl isobutyl ketone	108-10-1	0.05	0.33
Nitrobenzene	98-95-3	0.86	0.125
Pyridine	110-86-1	1.12	0.33
Tetrachloroethylene	127-18-4	0.079	0.05
Toluene	108-88-3	1.12	0.33
1,1,1-Trichloroethane	71-55-6	1.05	0.41
1,1,2-Trichloro-1,2,2-tetrafluoroethane	76-13-1	1.05	0.96
Trichloroethylene	79-01-6	0.062	0.091
Trichlorofluoromethane	75-69-4	0.05	0.96
Xylene		0.05	0.15
F006 Table B Cadmium	7440-43-9	NA	0.066
Chromium (Total)	7440-47-32	NA	5.2
Lead	7439-92-1	NA	0.51
Nickel	7440-02-0	NA	0.32
Silver	7440-22-4	NA	0.072
F007 Table B Cadmium	7440-43-9	NA	0.066
Chromium (Total)	7440-47-32	NA	5.2
Lead	7439-92-1	NA	0.51
Nickel	7440-02-0	NA	0.32
Silver	7440-22-4	NA	0.072
F008 Table B Cadmium	7440-43-9	NA	0.066
Chromium (Total)	7440-47-32	NA	5.2
Lead	7439-92-1	NA	0.51
Nickel	7440-02-0	NA	0.32
Silver	7440-22-4	NA	0.072
F009 Table B Cadmium	7440-43-9	NA	0.066
Chromium (Total)	7440-47-32	NA	5.2
Lead	7439-92-1	NA	0.51
Nickel	7440-02-0	NA	0.32
Silver	7440-22-4	NA	0.072
F011 Table B Cadmium	7440-43-9	NA	0.066
Chromium (Total)	7440-47-32	NA	5.2
Lead	7439-92-1	NA	0.51
Nickel	7440-02-0	NA	0.32
Silver	7440-22-4	NA	0.072
F012 Table B Cadmium	7440-43-9	NA	0.066
Chromium (Total)	7440-47-32	NA	5.2

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F019	Lead	7439-92-1	NA	0.51
	Nickel	7440-02-0	NA	0.32
	Silver	7440-22-4	NA	0.072
	Table B Chromium (Total)	7440-47-32	NA	0.072
F020-F023 and F026-F028 dioxin-containing wastes *				
F024	HxCDD-All Hexachloro-		<1. ppb	<1. ppb
	dibenzo-p-dioxins		<1. ppb	<1. ppb
	HxCDF-All Hexachloro-		<1. ppb	<1. ppb
	dibenzofurans		<1. ppb	<1. ppb
	PeCDD-All Pentachloro-		<1. ppb	<1. ppb
	dibenzo-p-dioxins		<1. ppb	<1. ppb
	PeCDF-All Pentachloro-		<1. ppb	<1. ppb
	dibenzofurans		<1. ppb	<1. ppb
	TCDD-All Tetrachloro-		<1. ppb	<1. ppb
	dibenzo-p-dioxins		<1. ppb	<1. ppb
	TCDF-All Tetrachloro-		<1. ppb	<1. ppb
	dibenzofurans		<1. ppb	<1. ppb
	2,4,5-Trichlorophenol	95-95-4	<0.05 ppm	<0.05 ppm
	2,4,6-Trichlorophenol	88-06-2	<0.05 ppm	<0.05 ppm
F039	2,3,4,6-Tetrachlorophenol	58-90-2	<0.05 ppm	<0.05 ppm
	Pentachlorophenol	87-86-5	<0.05 ppm	<0.05 ppm
	Chromium (Total)	7440-47-32	NA	0.073
	Lead	7439-92-1	NA	0.021
	Nickel	7440-02-0	NA	0.088
	Antimony	7440-36-0	NA	0.23
	Arsenic	7440-38-2	NA	5.0
	Barium	7440-39-3	NA	52.
	Cadmium	7440-43-9	NA	0.066
	Chromium (Total)	7440-47-32	NA	5.2
	Lead	7439-92-1	NA	0.51
	Mercury	7439-97-6	NA	0.025
	Nickel	7440-02-0	NA	0.32
	Selenium	7782-49-2	NA	5.7
K001	Silver	7440-22-4	NA	0.072
	Table B Lead	7439-92-1	NA	0.51
	Table B Chromium (Total)	7440-47-32	NA	0.094
	Lead	7439-92-1	NA	0.37
	Table B Chromium (Total)	7440-47-32	NA	0.094
	Lead	7439-92-1	NA	0.37
	Table B Chromium (Total)	7440-47-32	NA	0.094
	Lead	7439-92-1	NA	0.37
	Table B Chromium (Total)	7440-47-32	NA	0.094
	Lead	7439-92-1	NA	0.37
	Table B Chromium (Total)	7440-47-32	NA	0.094
	Lead	7439-92-1	NA	0.37
	Table B Chromium (Total)	7440-47-32	NA	0.094
	Lead	7439-92-1	NA	0.37

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K005	Lead	7439-92-1	NA	0.37
	Table B Chromium (Total)	7440-47-32	NA	0.094
	Lead	7439-92-1	NA	0.37
	Table B Chromium (Total)	7440-47-32	NA	0.094
K006	(anhydrous)			
	Table B Chromium (Total)	7440-47-32	NA	0.094
	Lead	7439-92-1	NA	0.37
	Table B Chromium (Total)	7440-47-32	NA	0.094
K007	(hydrated)			
	Table B Chromium (Total)	7440-47-32	NA	5.2
	Table B Chromium (Total)	7440-47-32	NA	0.094
	Lead	7439-92-1	NA	0.37
K008	Table B Chromium (Total)	7440-47-32	NA	0.094
	Lead	7439-92-1	NA	0.37
	Table B Chromium (Total)	7440-47-32	NA	1.7
	Lead	7439-92-1	NA	0.2
K021	Table B Antimony	7440-36-0	NA	0.23 #
	Table B Chromium (Total)	7440-47-32	NA	5.2
	Nickel	7440-02-2	NA	0.32
	Table B Chromium (Total)	7440-47-32	NA	0.073
K028	Lead	7439-92-1	NA	0.021
	Nickel	7440-02-2	NA	0.088
	Table B Arsenic	7440-38-2	NA	5.6 #
	Table B Lead	7439-92-1	NA	0.18
K046	Table B Chromium (Total)	7440-47-32	NA	1.7
	Nickel	7440-02-2	NA	0.20
	Table B Chromium (Total)	7440-47-32	NA	1.7
	Nickel	7440-02-2	NA	0.20
K049	Table B Chromium (Total)	7440-47-32	NA	1.7
	Nickel	7440-02-2	NA	0.20
	Table B Chromium (Total)	7440-47-32	NA	1.7
	Nickel	7440-02-2	NA	0.20
K050	Table B Chromium (Total)	7440-47-32	NA	1.7
	Nickel	7440-02-2	NA	0.20
	Table B Chromium (Total)	7440-47-32	NA	1.7
	Nickel	7440-02-2	NA	0.20
K052	Table B Chromium (Total)	7440-47-32	NA	1.7
	Nickel	7440-02-2	NA	0.20
	Table B Chromium (Total)	7440-47-32	NA	1.7
	Nickel	7440-02-2	NA	0.20



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K061 (Low Zinc Subcategory--less than 15% Total Zinc)

Table B Cadmium	NA	0.14
Chromium (Total)	NA	5.2
Lead	NA	0.24
Nickel	NA	0.32

K062 Table B Chromium (Total)  
Lead

NA	0.094
NA	0.37

K069 (Calcium Sulfate Subcategory)

Table B Cadmium	NA	0.14
B & D	NA	0.24

K071 (Low Mercury Subcategory--less than 16 mg/kg Mercury)

Table B Mercury	NA	0.025
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K083 Table B Nickel

NA	0.088
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K084 Table B Arsenic

NA	5.6 #
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K086 Table B Chromium (Total)  
Lead

NA	0.094
NA	0.37

K087 Table B Lead

NA	0.51
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K100 Table B Cadmium  
Chromium (Total)  
Lead

NA	0.066
NA	5.2
NA	0.51

K101 Table B Arsenic

NA	5.6 #
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K102 Table B Arsenic

NA	5.6 #
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K106 (Low Mercury Subcategory--less than 260 mg/kg Mercury--residues from RMERC)

Table B Mercury	NA	0.20
B & D	NA	0.20

K106 (Low Mercury Subcategory--less than 260 mg/kg Mercury--that are not residues from RMERC)

Table B Mercury	NA	A 0.20
B & D	NA	A 0.20

K115 Table B Nickel

NA	0.32
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#--These treatment standards have been based on EP Leachate analysis but this does not preclude the use of TCLP analysis.

\*--These waste codes are not subcategorized into wastewaters and nonwastewaters.

NA--Not Applicable.

## P and U Listed Wastes

Waste See Code Also	Commercial Chemical Name	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	Concentration (mg/l) Wastewaters	Concentration (mg/l) Non-wastewaters
P010 Table B	Arsenic acid	Arsenic	7440-38-2	NA	5.6
P011 Table B	Arsenic pentoxide	Arsenic	7440-38-2	NA	5.6
P012 Table B	Arsenic tri-oxide	Arsenic	7440-38-2	NA	5.6
P013 Table B	Barium cyanide	Barium	7440-39-3	NA	52.
P036 Table B	Dichloro-phenylarsine	Arsenic	7440-38-2	NA	5.6
P038 Table B	Diethyl-arsine	Arsenic	7440-38-2	NA5	.6
P065 (Low Mercury Subcategory--less than 260 mg/kg Mercury--residues from RMERC)					
Table B & D	Mercury fulminate	Mercury	7439-97-6	NA	0.20
P065 (Low Mercury Subcategory--less than 260 mg/kg Mercury--incinerator residues (and are not residues from RMERC))					
Table B & D	Mercury fulminate	Mercury	7439-97-6	NA	0.025
P073 Table B	Nickel carbonyl	Nickel	7440-02-2	NA	0.32
P074 Table B	Nickel cyanide	Nickel	7440-02-2	NA	0.32

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P092 (Low Mercury Subcategory -- less than 260 mg/kg Mercury residues from RMERC)

Tables B & D	Phenyl mercury acetate	Mercury	7439-97-6	NA	0.20
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P092 (Low Mercury Subcategory--less than 260 mg/kg Mercury--incinerator residues (and are not residues from RMERC))

Tables B & D	Phenyl mercury acetate	Mercury	7439-97-6	NA	0.025
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P099 Table B Potassium silver cyanide

	Silver	7440-22-4	NA	0.072
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P103 Table B Selenourea

	Selenium	7782-49-2	NA	5.7
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P104 Table B Silver cyanide

	Silver	7440-22-4	NA	0.072
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P110 Table B Tetraethyl lead

	Lead	7439-92-1	NA	0.51
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P114 Table B Thallium selenite

	Selenium	7782-49-2	NA	5.7
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U032 Table B Calcium chromate

	Chromium (Total)	7440-47-32	NA	0.094
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U051 Table B Creosote

	Lead	7439-92-1	NA	0.51
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U136 Table B Cacodylic acid

	Arsenic	7440-38-2	NA	5.6
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U144 Table B Lead acetate

	Lead	7439-92-1	NA	0.51
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U145 Table B Lead phosphate

	Lead	7439-92-1	NA	0.51
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U146 Table B Lead subacetate

	Lead	7439-92-1	NA	0.51
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U151 (Low Mercury Subcategory--less than 260 mg/kg Mercury--residues from RMERC)

Tables B & D	Mercury	7439-97-6	NA	0.20
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U151 (Low Mercury Subcategory--less than 260 mg/kg Mercury--that are not residues from RMERC)

Tables B & D	Mercury	7439-97-6	NA	0.025
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U204 Table B Selenium dioxide

	Selenium	7782-49-2	NA	5.7
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U205 Table B Selenium sulfide

	Selenium	7782-49-2	NA	5.7
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--These treatment standards have been based on EP Leachate analysis but this does not preclude the use of TCLP analysis.

\*---These waste codes are not subcategorized into wastewaters and nonwastewaters.

NA--Not Applicable.

(Source: Amended at 15 Ill. Reg. , effective )



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## Section 728. Table B Constituent Concentrations in Waste (CCW)

F001, F002, F003, F004 and F005 wastewaters (Pharmaceutical Industry)	
	Concentration- (in mg/l)
Methylene chloride	0.44
F006 nonwastewaters (see also Table A)	
	Concentration- (in mg/kg)
Cyanides (Total)	Reserved
K001 nonwastewaters (see also Table A)	
	Concentration- (in mg/kg)
Naphthalene	8.0
Pentachlorophenol	37.
Phenanthrene	8.0
Pyrene	7.3
Toluene	0.14
Xylenes	0.16
K001 wastewaters	
	Concentration- (in mg/l)
Naphthalene	0.15
Pentachlorophenol	0.88
Phenanthrene	0.15
Pyrene	0.14
Toluene	0.14
Xylenes	0.16
Lead	0.037
K015 wastewaters	
	Concentration- (in mg/l)
Anthracene	1.0
Benzal chloride	0.28
Benzo (b-or-k) fluoranthene	0.29
Phenanthrene	0.27
Toluene	0.15
Chromium (Total)	0.32
Nickel	0.44

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K016 nonwastewaters	
	Concentration- (in mg/kg)
Hexachlorobenzene	28.
Hexachlorobutadiene	5.6
Hexachlorocyclopentadiene	5.6
Hexachloroethane	28.
Tetrachloroethene	6.0
K016 wastewaters	
	Concentration- (in mg/l)
Hexachlorobenzene	0.033
Hexachlorobutadiene	0.007
Hexachlorocyclopentadiene	0.007
Hexachloroethane	0.033
Tetrachloroethene	0.007
K018 nonwastewaters	
	Concentration- (in mg/kg)
Chloroethane	6.0
1,1-Dichloroethane	6.0
1,2-Dichloroethane	28.
Hexachlorobenzene	5.6
Hexachlorobutadiene	28.
Hexachloroethane	5.6
1,1,1-Trichloroethane	6.0
K019 wastewaters	
	Concentration- (in mg/l)
Chloroethane	0.007
Chloromethane	0.007
1,1-Dichloroethane	0.007
1,2-Dichloroethane	0.007
Hexachlorobenzene	0.033
Hexachlorobutadiene	0.007
Pentachloroethane	0.007
1,1,1-Trichloroethane	0.007



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## K019-nonwastewaters-

	Concentration- (in mg/kg)
Bis(2-chloroethyl)ether	5.6
Chlorobenzene	6.0
Chloroform	6.0
1,2-Dichloroethane	6.0
Hexachloroethane	28.
Naphthalene	5.6
Phenanthrene	5.6
Tetrachloroethene	6.0
1,2,4-Trichlorobenzene	19.
1,1,1-Trichloroethane	6.0

## K019-wastewaters

	Concentration- (in mg/l)
Bis(2-chloroethyl)ether	0.007
Chlorobenzene	0.006
Chloroform	0.007
p-Dichlorobenzene	0.008
1,2-Dichloroethane	0.007
Fluorene	0.007
Hexachloroethane	0.033
Naphthalene	0.007
phenanthrene	0.007
1,2,4,5-Tetrachlorobenzene	0.017
Tetrachloroethene	0.007
1,2,4-Trichlorobenzene	0.023
1,1,1-Trichloroethane	0.007

## K020-nonwastewaters

	Concentration- (in mg/kg)
1,2-Dichloroethane	6.0
1,1,2,2-Tetrachloroethane	5.6
Tetrachloroethene	6.0

## K020-wastewaters

	Concentration- (in mg/l)
1,2-Dichloroethane	0.007
1,1,2,2-Tetrachloroethane	0.007
Tetrachloroethene	0.007

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## K022-nonwastewaters (see also Table A)

	Concentration- (in mg/kg)
Acetophenone	19.
Sum of Diphenylamine and Diphenylnitrosamine	13.
Phenol	12.
Toluene	0.034

## K024-nonwastewaters-

	Concentration- (in mg/kg)
Phthalic acid	28.

## K024-wastewaters

	Concentration- (in mg/l)
Phthalic acid	0.54

## K030-nonwastewaters-

	Concentration- (in mg/kg)
Hexachlorobutadiene	5.6
Hexachloroethane	28.
Hexachloropropene	19.
Pentachlorobenzene	28.
Pentachloroethane	5.6
1,2,4,5-Tetrachlorobenzene	14.
Tetrachloroethene	6.0
1,2,4-Trichlorobenzene	19.

## K030-wastewaters

	Concentration- (in mg/l)
o-Dichlorobenzene	0.008
p-Dichlorobenzene	0.008
Hexachlorobutadiene	0.007
Hexachloroethane	0.033
Pentachloroethane	0.007
1,2,4,5-Tetrachlorobenzene	0.017
Tetrachloroethene	0.007
1,2,4-Trichlorobenzene	0.023



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K048-wastewaters		Concentration- (in-mg/lr)
Benzene		0.011
Benzo(a)pyrene		0.047
Bis(2-ethylhexyl)phthalate		0.043
Chrysene		0.043
Di-n-butyl phthalate		0.060
Ethylbenzene		0.011
Fluorene		0.050
Naphthalene		0.033
Phenanthrene		0.039
Phenol		0.047
Pyrene		0.045
Toluene		0.011
Xylenes		0.011
Chromium (Total)		0.20
Lead		0.37
K049-nonwastewaters (see also Table A)		Concentration- (in-mg/kg)
Anthracene		6.2
Benzene		9.5
Benzo(a)pyrene		0.84
Bis(2-ethylhexyl)phthalate		37
Chrysene		2.2
Ethylbenzene		67
Naphthalene		(Reserved)
Phenanthrene		7.7
Phenol		2.7
Pyrene		2.0
Toluene		9.5
Xylenes		Reserved
Cyanides (Total)		1.0

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K037-nonwastewaters		Concentration- (in-mg/kg)
Disulfoton		0.1
Toluene		20
K037-wastewaters		Concentration- (in-mg/lr)
Disulfoton		0.003
Toluene		0.028
K048-nonwastewaters (see also Table A)		Concentration- (in-mg/kg)
Benzene		9.5
Benzo(a)pyrene		0.84
Bis(2-ethylhexyl)phthalate		37
Chrysene		2.2
Di-n-butyl phthalate		4.2
Ethylbenzene		67
Naphthalene		Reserved
Phenanthrene		7.7
Phenol		2.7
Pyrene		2.0
Toluene		9.5
Xylenes		Reserved
Cyanides (Total)		1.0

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## K049 - wastewaters

	Concentration- (in mg/lb)
Anthracene	0.039
Benzene	0.011
Benzo(a)pyrene	0.047
Bis(2-ethylhexyl)phthalate	0.043
Carbon disulfide	0.011
Chrysene	0.043
2,4-Dimethylphenol	0.033
Ethylbenzene	0.011
Naphthalene	0.033
Phenanthrene	0.039
Phenol	0.047
Pyrene	0.045
Toluene	0.011
Xylenes	0.011
Chromium (Total)	0.20
Lead	0.037

## K050 - nonwastewaters (see also Table A)

	Concentration- (in mg/kg)
Benzo(a)pyrene	0.84
Phenol	2.7
Cyanides (Total)	1.8

## K050 - wastewaters

	Concentration- (in mg/lb)
Benzo(a)pyrene	0.047
Phenol	0.047
Chromium (Total)	0.20
Lead	0.037

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## K051 - nonwastewaters (see also Table A)

	Concentration- (in mg/kg)
Anthracene	6.2
Benzene	9.5
Benzo(a)anthracene	1.4
Benzo(a)pyrene	0.84
Bis(2-ethylhexyl)phthalate	37.
Chrysene	2.2
Di-n-butyl phthalate	4.2
Ethylbenzene	67.
Naphthalene	Reserved
Phenanthrene	7.7
Phenol	2.7
Pyrene	2.0
Toluene	9.5
Xylenes	Reserved
Cyanides (Total)	1.8

## K051 - wastewaters

	Concentration- (in mg/lb)
Acenaphthene	0.050
Anthracene	0.039
Benzene	0.011
Benzo(a)anthracene	0.043
Benzo(a)pyrene	0.047
Bis(2-ethylhexyl) phthalate	0.043
Chrysene	0.043
Di-n-butyl phthalate	0.060
Ethylbenzene	0.011
Fluorene	0.050
Naphthalene	0.033
Phenanthrene	0.039
Phenol	0.047
Pyrene	0.045
Toluene	0.011
Xylenes	0.011
Chromium (Total)	0.20
Lead	0.037



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## K052 nonwastewaters (see also Table A)

	Concentration- (in mg/kg)
Benzene	9.5
Benzo(a)pyrene	0.84
o-Cresol	2.2
p-Cresol	0.90
Ethylbenzene	67
Naphthalene	Reserved
Phenanthrene	7.7
Phenol	2.7
Toluene	9.5
Xylenes	Reserved
Cyanides (Total)	1.8

## K052 wastewaters

	Concentration- (in mg/L)
Benzene	0.011
Benzo(a)pyrene	0.047
o-Cresol	0.011
p-Cresol	0.011
2,4-Dimethylphenol	0.033
Ethylbenzene	0.011
Naphthalene	0.033
Phenanthrene	0.039
Phenol	0.047
Toluene	0.011
Xylenes	0.011
Chromium (Total)	0.20
Lead	0.037

## K062 wastewaters

	Concentration- (in mg/L)
Chromium (Total)	0.32
Lead	0.04
Nickel	0.44

## K071 wastewaters

	Concentration- (in mg/L)
Mercury	0.030

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## K086 nonwastewaters-Solvent Washes Subcategory (see also Table A)

	Concentration- (in mg/kg)
Acetone	0.37
Bis(2-ethylhexyl) phthalate	0.49
n-Butyl alcohol	0.37
Cyclohexanone	0.49
1,2-Dichlorobenzene	0.49
Ethyl acetate	0.37
Ethyl benzene	0.031
Methanol	0.37
Methylene chloride	0.037
Methyl ethyl ketone	0.37
Methyl isobutyl ketone	0.37
Naphthalene	0.49
Nitrobenzene	0.49
Toluene	0.031
1,1,1-Trichloroethane	0.044
Trichloroethylene	0.031
Xylenes	0.015

## K086 wastewaters-Solvent Washes Subcategory

	Concentration- (in mg/L)
Acetone	0.015
Bis(2-ethylhexyl) phthalate	0.044
n-Butyl alcohol	0.031
Cyclohexanone	0.022
1,2-Dichlorobenzene	0.044
Ethyl acetate	0.031
Ethyl benzene	0.015
Methanol	0.031
Methylene chloride	0.031
Methyl ethyl ketone	0.031
Methyl isobutyl ketone	0.031
Naphthalene	0.044
Nitrobenzene	0.044
Toluene	0.029
1,1,1-Trichloroethane	0.031
Trichloroethylene	0.029
Xylenes	0.015
Chromium (Total)	0.32
Lead	0.037



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K007 nonwastewaters (see also Table A)	Concentration- (in mg/kg)
Acenaphthalene	3.4
Benzene	0.001
Chrysene	3.4
Fluoranthene	3.4
Indeno(1,2,3-cd)pyrene	3.4
Naphthalene	3.4
Phenanthrene	3.4
Toluene	0.65
Xylenes	0.070

K007 wastewaters	Concentration- (in mg/l)
Acenaphthalene	0.020
Benzene	0.014
Chrysene	0.020
Fluoranthene	0.020
Indeno(1,2,3-cd)pyrene	0.020
Naphthalene	0.020
Phenanthrene	0.020
Toluene	0.008
Xylenes	0.014
Lead	0.037

K009 nonwastewaters	Concentration- (in mg/kg)
2,4-Dichlorophenoxyacetic acid	1.0
Hexachlorodibenzo-p-dioxins	0.001
Hexachlorodibenzofurans	0.001
Pentachlorodibenzo-p-dioxins	0.001
Pentachlorodibenzofurans	0.001
Tetrachlorodibenzo-p-dioxins	0.001
Tetrachlorodibenzofurans	0.001

K009 wastewaters	Concentration- (in mg/l)
2,4-Dichlorophenoxyacetic acid	1.0
Hexachlorodibenzo-p-dioxins	0.001
Hexachlorodibenzofurans	0.001
Pentachlorodibenzo-p-dioxins	0.001
Pentachlorodibenzofurans	0.001
Tetrachlorodibenzo-p-dioxins	0.001
Tetrachlorodibenzofurans	0.001

K101 nonwastewaters (low Arsenic Subcategory less than 1% total arsenic) (see also Table A)

ortho-Nitroaniline	Concentration- (in mg/kg)
	14

K101 wastewaters	Concentration- (in mg/l)
ortho-Nitroaniline	0.27
Arsenic	2.0
Cadmium	0.24
Lead	0.11
Mercury	0.017

K102 nonwastewaters (low Arsenic Subcategory less than 1% total arsenic) (see also Table A)

ortho-Nitrophenol	Concentration- (in mg/kg)
	13

K102 wastewaters	Concentration- (in mg/l)
ortho-Nitrophenol	0.020
Arsenic	2.0
Cadmium	0.24
Lead	0.11
Mercury	0.017



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## K103 nonwastewaters

	Concentration- (in mg/kg)
Aniline	5.6
Benzene	6.0
2,4-Dinitrophenol	5.6
Nitrobenzene	5.6
Phenol	5.6

## K103 wastewaters

	Concentration- (in mg/lb)
Aniline	4.5
Benzene	0.15
2,4-Dinitrophenol	0.61
Nitrobenzene	0.073
Phenol	1.4

## K104 nonwastewaters

	Concentration- (in mg/kg)
Aniline	5.6
Benzene	6.0
2,4-Dinitrophenol	5.6
Nitrobenzene	5.6
Phenol	5.6
Cyanides (Total)	1.0

## K104 wastewaters

	Concentration- (in mg/lb)
Aniline	4.5
Benzene	0.15
2,4-Dinitrophenol	0.61
Nitrobenzene	0.073
Phenol	1.4
Cyanides (Total)	2.7

## No Land Disposal for:

K004 Nonwastewaters  
 K008 Nonwastewaters  
 K015 Nonwastewaters  
 K021 Nonwastewaters  
 K025 Nonwastewaters  
 K036 Nonwastewaters  
 K044

(Based on No Generation)  
 (Based on No Generation)  
 (Based on No Generation)  
 (Based on No Generation)  
 (Based on No Generation)  
 (Based on Reactivity)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## K045

K045- (Based on Reactivity)

K045- (Based on Reactivity)

K060 Nonwastewaters (Based on No Generation)

K061 Nonwastewaters High Fine Subcategory (Based on Recycling)

(Greater than or equal to 15% total zinc) effective 8/8/90

K069 Nonwastewaters Non-Calcium Sulfate Subcategory (Based on Recycling)

K083 Nonwastewaters No Ash Subcategory (Based on No Ash)

(less than 0.01% total ash)

K100 Nonwastewaters (Based on No Generation)

## D, F and K Listed Wastes

Waste See Code Also	Regulated Hazardous Constituent	CAS No. for Regulated Hazardous Constituent	Concentration (mg/l) Wastewaters
			Non-

D003 (Reactive cyanides subcategory--based on Cyanides (Amenable) 35 Ill. Adm. Code 721.123(a)(5))

	Cyanides (Total)	Res.	# 590.
D004 Table A Arsenic	7440-38-2	5.0	NA
D005 Table A Barium	7440-39-3	100.	NA
D006 Table A Cadmium	7440-43-9	1.0	NA
D007 Table A Chromium (Total)	7440-47-32	5.0	NA
D008 Table A Lead	7439-92-1	5.0	NA
D009 Table A Mercury	7439-97-6	0.20	NA
D010 Table A Selenium	7782-49-2	1.0	NA
D011 Table A Silver	7440-22-4	5.0	NA
D012 Table D Endrin	720-20-8	NA	0.13
D013 Table D Lindane	58-89-9	NA	0.066
D014 Table D Methoxychlor	72-43-5	NA	0.18
D015 Table D Toxaphene	8001-35-1	NA	1.3
D016 Table D 2,4-D	94-75-7	NA	10.0



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## D017 Table D 2,4,5-TP Silvex

93-76-5 NA 7.9

## F001-F005 spent solvents

Tables 1,1,2-Trichloroethane  
A & D

71-55-6 0.030 a 7.6

## Benzene

71-43-2 0.070 a 3.7

## F001-F005 spent solvents (Pharmaceutical industry wastewater subcategory)

Methylene chloride

75-09-2 0.44 NA

## F006 Table A

Cyanides (Total)

57-12-5 1.2 590.

Cyanides (Amenable)

57-12-5 0.86 30.

Cadmium

7440-43-9 1.6 NA

Chromium

7440-47-32 0.32 NA

Lead

7439-92-1 0.040 NA

Nickel

7440-02-2 0.44 NA

## F007 Table A

Cyanides (Total)

57-12-5 1.9 590.

Cyanides (Amenable)

57-12-5 0.1 30.

Chromium (Total)

7440-47-32 0.32 NA

Lead

7439-92-1 0.04 NA

Nickel

7440-02-2 0.44 NA

## F008 Table A

Cyanides (Total)

57-12-5 1.9 590.

Cyanides (Amenable)

57-12-5 0.13 30.

Chromium

7440-47-32 0.32 NA

Lead

7439-92-1 0.04 NA

Nickel

7440-02-2 0.44 NA

## F009 Table A

Cyanides (Total)

57-12-5 1.95 90.

Cyanides (Amenable)

57-12-5 0.1 30.

Chromium

7440-47-32 0.32 NA

Lead

7439-92-1 0.04 NA

Nickel

7440-02-2 0.44 NA

## F010

Cyanides (Total)

57-12-5 1.9 1.5

Cyanides (Amenable)

57-12-5 0.1 NA

## F011 Table A

Cyanides (Total)

57-12-5 1.9 110.

Cyanides (Amenable)

57-12-5 0.1 9.1

Chromium (Total)

7440-47-32 0.32 NA

Lead

7439-92-1 0.04 NA

Nickel

7440-02-2 0.44 NA

## F012 Table A

Cyanides (Total)

57-12-5 1.9 110.

Cyanides (Amenable)

57-12-5 0.1 9.1

Chromium (Total)

7440-47-32 0.32 NA

Lead

7439-92-1 0.04 NA

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Nickel

7440-02-2 0.44 NA

## F019 Table A

Cyanides (Total)

57-12-5 1.2 (R)90.

Cyanides (Amenable)

57-12-5 0.86 (R)30.

Chromium (Total)

7440-47-32 0.32 NA

## F024 (Note: F024 organic standards must be treated via incineration (INCIN))

Tables

2-Chloro-1,3-butadiene

126-99-8 a 0.28 a 0.28

A &amp; D

3-Chloropropene

107-05-1 a 0.28 a 0.28

1,1-Dichloroethane

75-34-3 a 0.014 a 0.014

1,2-Dichloroethane

107-06-2 a 0.014 a 0.014

1,2-Dichloropropane

78-87-5 a 0.014 a 0.014

cis-1,3-Dichloropropene

10061-01-5 a 0.014 a 0.014

trans-1,3-Dichloropropene

10061-02-6 a 0.014 a 0.014

Bis(2-ethylhexyl)phthalate

117-81-7 a 0.014 a 0.014

Hexachloroethane

67-72-1 a 0.036 a 1.8

Chromium (Total)

7440-47-32 a 0.35 NA

## Nickel

7440-02-2 0.47 NA

## F025 (Light ends subcategory)

Chloroform

67-63-3 s 0.046 a 6.2

1,2-Dichloroethane

107-06-2 s 0.21 a 6.2

1,1-Dichloroethylene

75-35-4 s 0.025 a 6.2

Methylene chloride

75-9-2 s 0.089 a 31.

Carbon tetrachloride

56-23-5 s 0.057 a 6.2

1,1,2-Trichloroethane

79-00-5 s 0.054 a 6.2

Trichloroethylene

79-01-6 s 0.054 s 5.6

Vinyl chloride

75-01-4 s 0.27 a 33.

## F025 (Spent filters/aids and desiccants subcategory)

Chloroform

67-66-3 s 0.046 a 6.2

Methylene chloride

75-9-2 s 0.089 a 31.

Carbon tetrachloride

56-23-5 s 0.057 a 6.2

1,1,2-Trichloroethane

79-00-5 s 0.054 a 6.2

Trichloroethylene

79-01-6 s 0.054 s 5.6

Vinyl chloride

75-01-4 s 0.27 a 33.

Hexachlorobenzene

118-74-1 s 0.055 a 37.

Hexachlorobutadiene

87-68-3 s 0.055 a 28.

Hexachloroethane

67-72-1 s 0.055 a 30.

Acetone

67-64-1 s 0.28 a 160.

Acenaphthalene

208-96-8 s 0.059 a 3.4

Acenaphthene

83-32-9 s 0.059 a 4.0

Acetonitrile

75-05-8 s 0.17 NA

Acetophenone

96-86-2 s 0.010 a 9.7

2-Acetylaminofluorene

53-96-3 s 0.059 a 140.

Acrylonitrile

107-13-1 s 0.24 a 84.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Aldrin	309-00-2	s	0.021	a	0.068
4-Aminobiphenyl	92-67-1	s	0.13	a	NA
Aniline	62-53-3	s	0.81	a	14.
Anthracene	120-12-7	s	0.059	a	4.0
Aroclor 1016	12674-11-2	s	0.013	a	0.92
Aroclor 1221	11104-28-2	s	0.014	a	0.92
Aroclor 1232	11141-16-5	s	0.013	a	0.92
Aroclor 1242	53469-21-9	s	0.017	a	0.92
Aroclor 1248	12672-29-6	s	0.013	a	0.92
Aroclor 1254	11097-69-1	s	0.014	a	1.8
Aroclor 1260	11096-82-5	s	0.014	a	1.8
alpha-BHC	319-84-6	s	0.00014	a	0.066
beta-BHC	319-85-7	s	0.00014	a	0.066
delta-BHC	319-86-8	s	0.023	a	0.066
gamma-BHC	58-89-9	s	0.0017	a	0.066
Benzene	71-43-2	s	0.14	a	36.
Benzo(a)anthracene	56-55-3	s	0.059	a	8.2
Benzo(b)fluoranthene	205-99-2	s	0.055	a	3.4
Benzo(k)fluoranthene	207-08-9	s	0.059	a	3.4
Benzo(g,h,i)perylene	191-24-2	s	0.0055	a	1.5
Benzo(a)pyrene	50-32-8	s	0.061	a	8.2
Bromodichloromethane	75-27-4	s	0.35	a	15.
Bromoform	75-25-2	s	0.63	a	15.
Bromomethane (methyl bromide)	74-63-9	s	0.11	a	15.
4-Bromophenyl phenyl ether	101-55-3	s	0.055	a	15.
n-Butyl alcohol	71-36-3	s	5.6	a	2.6
Butyl benzyl phthalate	85-68-7	s	0.017	a	7.9
2-sec-Butyl-4,6-dinitrophenol	88-85-7	s	0.066	a	2.5
Carbon tetrachloride	56-23-5	s	0.057	a	5.6
Carbon disulfide	75-15-0	s	0.014	a	NA
Chlordane	57-74-9	s	0.0033	a	0.13
p-Chloroaniline	106-47-8	s	0.46	a	16.
Chlorobenzene	108-90-7	s	0.057	a	5.7
Chlorobenzilate	510-15-6	s	0.10	a	NA
Chlorodibromomethane	124-48-1	s	0.057	a	16.
Chloroethane	75-00-3	s	0.27	a	6.0
bis(2-Chloroethoxy)methane	111-91-1	s	0.036	a	7.2
bis(2-Chloroethyl) ether	111-44-4	s	0.033	a	7.2
2-Chloroethyl vinyl ether	67-66-3	s	0.057	a	NA
Chloroform	39638-32-9	s	0.046	a	5.6
bis(2-Chloroisopropyl) ether	59-50-7	s	0.055	a	7.2
p-Chloro-m-cresol	74-87-3	s	0.018	a	14.
Chloromethane (Methyl chloride)	50-07-0	s	0.19	a	33.
2-Chloronaphthalene	91-87-7	s	0.055	a	5.6

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

2-Chlorophenol	95-57-8	s	0.044	a	5.7
3-Chloropropene	107-05-1	s	0.036	a	28.
Chrysene	218-01-9	s	0.059	a	8.2
o-Cresol	95-48-7	s	0.11	a	5.6
Cresol (m- and p-isomers)	108-94-1	s	0.77	a	NA
Cyclohexanone	96-12-8	s	0.36	a	15.
1,2-Dibromo-3-chloropropane	106-93-4	s	0.11	a	15.
propane	106-93-4	s	0.023	a	15.
1,2-Dibromoethane	74-95-3	s	0.11	a	15.
(Ethylene dibromide)	94-75-7	s	0.72	a	10.
Dibromomethane	74-95-3	s	0.11	a	15.
2,4-Dichlorophenoxyacetic acid (2,4-D)	53-19-0	s	0.023	a	0.087
o,p'-DDP	72-54-8	s	0.023	a	0.087
p,p'-DDP	3424-82-6	s	0.031	a	0.087
o,p'-DDE	72-55-9	s	0.031	a	0.087
p,p'-DDE	789-02-6	s	0.0039	a	0.087
p,p'-DDT	50-29-3	s	0.0039	a	0.087
p,p'-DDT	53-70-3	s	0.055	a	8.2
Dibenz(a,h)anthracene	541-73-1	s	0.036	a	6.2
m-Dichlorobenzene	95-50-1	s	0.088	a	6.2
o-Dichlorobenzene	106-46-7	s	0.090	a	6.2
p-Dichlorobenzene	75-71-8	s	0.23	a	7.2
Dichlorodifluoromethane	75-34-3	s	0.059	a	7.2
1,1-Dichloroethane	107-06-2	s	0.21	a	7.2
1,2-Dichloroethane	75-35-4	s	0.025	a	33.
1,1-Dichloroethylene	120-83-2	s	0.044	a	14.
trans-1,2-Dichloroethene	87-65-0	s	0.044	a	14.
2,4-Dichlorophenol	78-87-5	s	0.85	a	18.
2,6-Dichlorophenol	1061-01-5	s	0.036	a	18.
1,2-Dichloropropane	1061-02-6	s	0.036	a	18.
cis-1,3-Dichloropropene	60-57-1	s	0.017	a	0.13
trans-1,3-Dichloropropene	84-66-2	s	0.20	a	28.
Dieldrin	60-11-3	s	0.13	a	NA
Diethyl phthalate	105-67-9	s	0.036	a	14.
p-Dimethylaminoazobenzene	131-11-3	s	0.047	a	28.
2,4-Dimethyl phenol	84-74-2	s	0.057	a	28.
Dimethyl phthalate	100-25-4	s	0.32	a	2.3
Di-n-butyl phthalate	534-52-1	s	0.28	a	160.
1,4-Dinitrobenzene	51-28-5	s	0.12	a	160.
4,6-Dinitro-o-cresol	121-14-2	s	0.32	a	140.
2,4-Dinitrophenol	606-20-2	s	0.55	a	28.
2,4-Dinitrotoluene	117-84-0	s	0.017	a	28.
2,6-Dinitrotoluene	621-64-7	s	0.40	a	14.
Di-n-octyl phthalate	123-91-1	s	0.087	a	NA
Di-n-propylnitrosoamine	123-91-1	s	0.12	a	170.
1,2-Diphenyl hydrazine					
1,4-Dioxane					



## POLLUTION CONTROL BOARD

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Disulfoton	298-04-4	s	0.017	a	6.2
Endosulfan I	939-98-8	s	0.023	a	0.066
Endosulfan II	33213-6-5	s	0.029	a	0.13
Endosulfan sulfate	1031-07-8	s	0.029	a	0.13
Endrin	7-20-8	s	0.0028	a	0.13
Endrin aldehyde	7421-93-4	s	0.025	a	0.13
Ethyl acetate	141-78-6	s	0.34	a	33.
Ethyl cyanide	100-41-4	s	0.24	NA	
Ethyl benzene	60-29-7	s	0.057	a	6.0
Ethyl ether	117-81-7	s	0.12	a	160.
bis(2-Ethylhexyl) phthalate		s	0.28	a	28.
Ethyl methacrylate	97-63-2	s	0.14	a	160.
Ethylene oxide	75-21-8	s	0.12	NA	
Famphur	52-85-7	s	0.017	a	15.
Fluoranthene	206-44-0	s	0.068	a	8.2
Fluorene	86-73-7	s	0.059	a	4.0
Fluorotrichloromethane	75-69-4	s	0.020	a	33.
Heptachlor	76-44-8	s	0.0012	a	0.066
Heptachlor epoxide	1024-57-3	s	0.016	a	0.066
Hexachlorobenzene	118-74-1	s	0.055	a	37.
Hexachlorobutadiene	87-68-3	s	0.055	a	28.
Hexachlorocyclopentadiene	77-47-4	s	0.057	a	3.6
Hexachlorodibenzofurans		s	0.00063	a	0.001
Hexachlorodibenzo-p- dioxins		s	0.00063	a	0.001
Hexachloroethane	67-72-1	s	0.055	a	28.
Hexachloropropene	1888-71-7	s	0.035	a	28.
Indeno(1,2,3,-c,d)pyrene	193-39-5	s	0.0055	a	8.2
Iodomethane	74-88-4	s	0.019	a	65.
Isobutanol	78-83-1	s	5.6	a	170.
Isodrin	465-73-6	s	0.021	a	0.066
Isosafrole	120-58-1	s	0.081	a	2.6
Kepone	143-50-8	s	0.0011	a	0.13
Methacrylonitrile	126-98-7	s	0.24	a	84.
Methapyriline	91-80-5	s	0.081	a	1.5
Methoxychlor	72-43-5	s	0.25	a	0.18
3-Methylcholanthrene	56-49-5	s	0.0055	a	15.
4,4-Methylene-bis-(2- chloroaniline)	101-14-4	s	0.50	a	35.
Methylene chloride	75-09-2	s	0.089	a	33.
Methyl ethyl ketone	78-93-3	s	0.28	a	36.
Methyl isobutyl ketone	108-10-1	s	0.14	a	33.
Methyl methacrylate	80-62-6	s	0.14	a	160.
Methyl methanesulfonate		s	0.018	NA	
Methyl parathion	298-00-1	s	0.014	s	4.6
Naphthalene	91-20-3	s	0.059	a	3.1
2-Naphthylamine	91-59-8	s	0.52	NA	

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

p-Nitroaniline	100-01-6	s	0.028	a	28.
Nitrobenzene	98-95-3	s	0.068	a	14.
5-Nitro-o-toluidine	99-55-8	s	0.32	a	28.
4-Nitrophenol	100-02-7	s	0.12	a	29.
N-Nitrosodiethylamine	55-18-5	s	0.40	a	28.
N-Nitrosodimethylamine	52-75-9	s	0.40	NA	
N-Nitroso-di-n-butylamine	924-16-3	s	0.40	a	17.
N-Nitrosomethylethylamine	105-95-6	s	0.40	a	2.3
N-Nitrosomorpholine	59-89-2	s	0.40	a	2.3
N-Nitrosopiperidine	100-75-4	s	0.013	a	35.
N-Nitrosopyrrolidine	930-55-2	s	0.013	a	35.
Parathion	56-38-2	s	0.017	a	4.6
Pentachlorobenzene	608-93-5	s	0.055	a	37.
Pentachlorodibenzo-furans		s	0.000035	a	0.001
Pentachlorodibenzo-p- dioxins		s	0.000063	a	0.001
Pentachloronitrobenzene	82-68-8	s	0.055	a	4.8
Pentachlorophenol	87-86-5	s	0.089	a	7.4
Phenacetin	62-44-2	s	0.081	a	16.
Phenanthrene	85-01-8	s	0.059	a	3.1
Phenol	108-95-2	s	0.039	a	6.2
Phorate	298-02-2	s	0.021	a	4.6
Propanenitrile (ethyl cyanide)	107-12-0	s	0.24	a	360.
Promamide	23950-58-5	s	0.093	a	1.5
Pyrene	129-00-0	s	0.067	a	8.2
Pyrindine	110-86-1	s	0.014	a	16.
Safrole	94-59-7	s	0.081	a	22.
Silvex (2,4,5-TP)	93-72-1	s	0.72	a	7.9
2,4,5-T	93-76-5	s	0.72	a	19.
1,2,4,5-Tetrachlorobenzene	95-94-3	s	0.055	a	19.
Tetrachlorodibenzofurans		s	0.000063	a	0.001
Tetrachlorodibenzo-p- dioxins		s	0.000063	a	0.001
2,3,7,8-Tetrachloro- dibenzo-p-dioxin		s	0.000063	NA	
1,1,1,2-Tetrachloroethane	630-20-6	s	0.057	a	42.
1,1,2,2-Tetrachloroethane	79-34-6	s	0.057	a	42.
Tetrachloroethene	127-18-4	s	0.056	a	5.6
2,3,4,6-Tetrachlorophenol	58-90-2	s	0.030	a	37.
Toluene	108-88-3	s	0.080	a	28.
Toxaphene	8001-35-1	s	0.0095	a	1.3
1,2,4-Trichlorobenzene	120-82-1	s	0.055	a	19.
1,1,1-Trichloroethane	71-55-6	s	0.054	a	5.6
1,1,2-Trichloroethane	79-00-5	s	0.054	a	5.6
Trichloroethylene	79-01-6	s	0.054	a	5.6
2,4,5-Trichlorophenol	95-95-4	s	0.18	a	37.
2,4,6-Trichlorophenol	88-06-2	s	0.035	a	37.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

1,2,3-Trichloropropane	96-18-4	s	0.85	a	28.
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	s	0.057	a	28.
Vinyl chloride	75-01-4	s	0.27	a	33.
Xylene(s)	57-12-5	s	0.32	a	28.
Cyanides (Total)	57-12-5	s	1.2	a	1.8
Cyanides (Amenable)	57-12-5	s	0.86	a	1.8
Fluoride	16964-48-8	s	35.	NA	NA
Sulfide	8496-25-8	s	14.	NA	NA
Antimony	7440-36-0	s	1.9	NA	NA
Arsenic	7440-38-2	s	5.0	NA	NA
Barium	7440-39-3	s	1.2	NA	NA
Beryllium	7440-41-7	s	0.82	NA	NA
Cadmium	7440-43-9	s	0.20	NA	NA
Chromium (Total)	7440-47-32	s	0.37	NA	NA
Copper	7440-50-8	s	1.3	NA	NA
Lead	7439-92-1	s	0.28	NA	NA
Mercury	7439-97-6	s	0.15	NA	NA
Nickel	7440-02-2	s	0.55	NA	NA
Selenium	7782-49-2	s	0.82	NA	NA
Silver	7440-22-4	s	0.29	NA	NA
Vanadium	7440-62-2	s	0.042	NA	NA
K001 Table A	91-20-3	a	0.031	a	1.5
Naphthalene	87-86-5	a	0.031	a	1.5
Pentachlorophenol	85-01-8	a	0.031	a	1.5
Phenanthrene	129-00-0	a	0.028	a	1.5
Pyrene	106-88-3	a	0.028	a	28.
Toluene	7439-92-1	a	0.032	a	33.
Xylenes (Total)	7439-92-1	a	0.037	a	33.
Lead	7440-47-32	s	2.9	NA	NA
K002 Table A	7439-92-1	s	3.4	NA	NA
Chromium (Total)	7440-47-32	s	2.9	NA	NA
Lead	7439-92-1	s	3.4	NA	NA
K003 Table A	7440-47-32	s	2.9	NA	NA
Chromium (Total)	7439-92-1	s	3.4	NA	NA
Lead	7440-47-32	s	2.9	NA	NA
K004 Table A	7439-92-1	s	3.4	NA	NA
Chromium (Total)	7440-47-32	s	2.9	NA	NA
Lead	7439-92-1	s	3.4	NA	NA
K005 Table A	7440-47-32	s	2.9	NA	NA
Chromium (Total)	7439-92-1	s	3.4	NA	NA
Lead	57-12-5	s	0.74	(R)	
Cyanides (Total)	7440-47-32	s	2.9	NA	NA
K006 Table A	7439-92-1	s	3.4	NA	NA
Chromium (Total)	7440-47-32	s	2.9	NA	NA
Lead	7439-92-1	s	3.4	NA	NA
K007 Table A	7440-47-32	s	2.9	NA	NA
Chromium (Total)	7440-47-32	s	2.9	NA	NA

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Lead	7439-92-1	s	3.4	(R)	NA
Cyanides (Total)	57-12-5	s	0.74	a	0.74
K008 Table A	7440-47-32	s	2.9	NA	NA
Chromium (Total)	7439-92-1	s	3.4	NA	NA
Lead	67-66-3	a	0.1	a	6.0
Chloroform	67-66-3	a	0.1	a	6.0
K009	75-05-8	38.	38.	1.8	1.8
K010	107-13-1	19.	19.	1.4	1.4
K011	79-06-1	23.	23.	0.03	0.03
Acetonitrile	75-05-8	38.	38.	57.	57.
Acrylonitrile	107-13-1	19.	19.	a	1.8
Acrylamide	71-43-2	0.02	0.02	a	1.4
Benzene	57-12-5	21.	21.	a	23.
Cyanide (Total)	75-05-8	38.	38.	a	0.03
K013	107-13-1	19.	19.	a	57.
Acetonitrile	75-05-8	38.	38.	a	1.8
Acrylonitrile	107-13-1	19.	19.	a	1.4
Acrylamide	71-43-2	0.02	0.02	a	23.
Benzene	57-12-5	21.	21.	a	0.03
Cyanide (Total)	75-05-8	38.	38.	a	57.
K014	107-13-1	19.	19.	a	1.8
Acetonitrile	75-05-8	38.	38.	a	1.4
Acrylonitrile	107-13-1	19.	19.	a	1.4
Acrylamide	71-43-2	0.02	0.02	a	23.
Benzene	57-12-5	21.	21.	a	0.03
Cyanide (Total)	75-05-8	38.	38.	a	57.
K015 Table A	120-12-7	1.0a	1.0a	3.4	3.4
Anthracene	98-87-3	0.28	0.28	a	6.2
Benzal chloride	205-99-2	0.029	0.029	a	3.4
Sum of Benzo(b)fluoranthene and Benzo(k)fluoranthene	207-08-9	0.029	0.029	a	3.4
Phenanthrene	85-01-8	0.27	0.27	a	3.4
Toluene	108-88-3	0.15	0.15	a	6.0
Chromium (Total)	7440-47-32	0.32	0.32	NA	NA
Nickel	7440-02-2	0.44	0.44	NA	NA
K016	118-74-1	a	0.033	a	28.
Hexachlorobenzene	87-68-3	a	0.007	a	5.8
Hexachlorobutadiene	77-47-4	a	0.007	a	5.6
Hexachlorocyclopentadiene	67-72-1	a	0.033	a	28.
Hexachloroethane	127-18-4	a	0.007	a	6.0
Tetrachloroethene	78-87-5	sa	0.85	a	28.
1,2-Dichloropropane	96-18-4	sa	0.85	a	28.
1,2,3-Trichloropropane	111-44-4	sa	0.033	a	7.2
Bis(2-chloroethyl)ether					



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K018	Chloroethane	75-00-3	a	0.007	a	6.0
	1,1-Dichloroethane	75-34-3	a	0.007	a	6.0
	1,2-Dichloroethane	107-06-2	a	0.007	a	6.0
	Hexachlorobutadiene	87-68-3	a	0.033	a	5.6
	Hexachloroethane	67-72-1	a	0.007	a	28.
	Pentachloroethane	76-01-7	a	0.007	a	5.6
	1,1,1-Trichloroethane	71-55-6	a	0.007	a	6.0
	Bis(2-chloroethyl) ether	111-44-4	a	0.007	a	5.6
	Chlorobenzene	108-90-7	a	0.006	a	6.0
	Chloroform	67-66-3	a	0.006	a	6.0
K019	p-Dichlorobenzene	106-46-7	a	0.008	NA	NA
	1,2-Dichloroethane	107-06-2	a	0.007	NA	NA
	Fluorene	96-73-7	a	0.007	NA	NA
	Hexachloroethane	67-72-1	a	0.033	a	28.
	Naphthalene	91-20-3	a	0.007	a	5.6
	Phenanthrene	85-01-8	a	0.007	a	5.6
	1,2,4,5-Tetrachlorobenzene	95-94-3	a	0.017	NA	NA
	Tetrachloroethene	127-18-4	a	0.007	a	6.0
	1,2,4-Trichlorobenzene	120-82-1	a	0.023	a	19.
	1,1,1-Trichloroethane	71-55-6	a	0.007	a	6.0
K020	1,2-Dichloroethane	107-06-2	a	0.007	a	6.0
	1,1,2,2-Tetrachloroethane	79-34-6	a	0.007	a	5.6
	Tetrachloroethene	127-18-4	a	0.007	a	6.0
	Chloroform	67-66-3	s	0.046	a	6.2
K021	Carbon tetrachloride	58-23-5	s	0.057	a	6.2
	Antimony	58-23-5	s	0.057	a	6.2
	Toluene	108-88-3	s	0.060	a	0.034
	Acetophenone	96-86-2	a	0.010	a	19.
K022	Diphenylamine	22-39-4	s	0.52	NA	NA
	Diphenylnitrosamine	86-30-6	s	0.40	NA	NA
	Sum of Diphenylamine and Diphenylnitrosamine		NA	NA	a	13.
	Phenol	108-95-2	a	0.039	a	12.
	Chromium (Total)	7440-47-32	a	0.35	NA	NA
	Nickel	7440-02-0	a	0.47	NA	NA
	Phthalic anhydride (measured as Phthalic acid)	85-44-9	a	0.54	a	28.
	Phthalic anhydride (measured as Phthalic acid)	85-44-9	a	0.54	a	28.

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K028	Table A	1,1-Dichloroethane	75-34-3	a	0.007	a	6.0
		trans-1,2-Dichloroethene		a	0.033	a	6.0
		Hexachlorobutadiene	87-68-3	a	0.007	a	5.6
		Hexachloroethane	67-72-1	a	0.033	a	28.
		Pentachloroethane	76-01-7	a	0.033	a	5.6
		1,1,1,2-Tetrachloroethane	630-20-6	a	0.007	a	5.6
		1,1,1,2,2-Tetrachloroethane	79-34-6	a	0.007	a	5.6
		1,1,1-Trichloroethane	71-55-6	a	0.007	a	6.0
		1,1,2-Trichloroethane	79-00-5	a	0.007	a	6.0
		Tetrachloroethylene	127-18-4	a	0.007	a	6.0
K029		Cadmium	7440-43-9	6.4	NA	NA	NA
		Chromium (Total)	7440-47-32	0.35	NA	NA	NA
		Lead	7439-92-1	0.037	NA	NA	NA
		Nickel	7440-02-2	0.47	NA	NA	NA
		Chloroform	67-66-3	0.46	a	6.0	6.0
		1,2-Dichloroethane	107-06-2	0.21	a	6.0	6.0
		1,1-Dichloroethylene	75-35-4	0.025	a	6.0	6.0
		1,1,1-Trichloroethane	71-55-6	0.054	a	6.0	6.0
		Vinyl chloride	75-01-4	0.27	a	6.0	6.0
		p-Dichlorobenzene	95-50-1	a	0.008	NA	NA
K030		p-Dichlorobenzene	106-46-7	a	0.006	NA	NA
		Hexachlorobutadiene	87-68-3	a	0.007	a	5.6
		Hexachloroethane	67-72-1	a	0.033	a	28.
		Hexachloropropene	1888-71-7	NA	NA	a	19.
		Pentachlorobenzene	608-93-5	NA	NA	a	28.
		Pentachloroethane	76-01-7	a	0.007	a	5.6
		1,2,4,5-Tetrachlorobenzene	95-94-3	a	0.017	a	14.
		Tetrachloroethane	127-18-4	a	0.007	a	6.0
		1,2,4-Trichlorobenzene	120-82-1	a	0.023	a	19.
		Arsenic	7440-38-2	0.79	NA	NA	NA
K031	Table A	Hexachlorocyclopentadiene	77-47-4	s	0.057	a	24.
		Chlordane	57-74-9	s	0.0033	a	0.26
		Heptachlor	76-44-8	s	0.012	a	0.066
		Heptachlor epoxide	1024-57-3	s	0.016	a	0.066
K032		Hexachlorocyclopentadiene	77-47-4	s	0.057	a	2.4
		Hexachlorocyclopentadiene	77-47-4	s	0.057	a	2.4
K033		Acenaphthene	83-32-9	NA	NA	a	3.4
		Anthracene	120-12-7	NA	NA	a	3.4
		Benz(a)anthracene	56-55-3	s	0.59	a	3.4
		Benzo(a)pyrene	50-32-8	NA	NA	a	3.4
K034		Chrysene	218-01-9	s	0.059	a	3.4
		Chrysene	218-01-9	s	0.059	a	3.4



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<u>K036</u>	Dibenz(a,h)anthracene	53-70-3	NA	a	3.4
<u>K037</u>	Fluoranthene	206-44-0	s	a	3.4
	Fluorene	86-73-7	NA	a	3.4
	Indeno(1,2,3-cd)pyrene	193-39-5	NA	a	3.4
	Cresols (m- and p-isomers)		s	a	NA
	Naphthalene	91-20-3	s	a	3.4
	o-Cresol	95-48-7	s	a	NA
	Phenanthrene	85-01-8	s	a	3.4
	Phenol	108-95-2	s	a	NA
	Pyrene	129-00-0	s	a	8.2
	Disulfoton	298-04-4	s	a	0.025
	Disulfoton	298-04-4	s	a	0.025
	Toluene	108-88-3	s	a	0.080
<u>K038</u>	Phorate	298-02-2	0.025	a	0.1
<u>K040</u>	Phorate	298-02-2	0.025	a	0.1
<u>K041</u>	Toxaphene	8001-35-1	s	a	2.6
<u>K042</u>	1,2,4,5-Tetrachlorobenzene	95-94-3	s	a	4.4
	o-Dichlorobenzene	95-50-1	s	a	4.4
	p-Dichlorobenzene	106-46-7	s	a	4.4
	Pentachlorobenzene	808-93-5	s	a	4.4
	1,2,4-Trichlorobenzene	120-82-1	s	a	4.4
<u>K043</u>	2,4-Dichlorophenol	120-83-2	a	a	0.38
	2,6-Dichlorophenol	87-65-0	a	a	0.013
	2,4,5-Trichlorophenol	95-95-4	a	a	8.2
	2,4,6-Trichlorophenol	88-06-2	a	a	7.8
	Tetrachlorophenols (Total)		a	a	0.68
	Pentachlorophenol	87-86-5	a	a	0.22
	Tetrachloroethene	79-01-6	a	a	0.006
	Hexachlorodibenzo-p-dioxins		a	a	0.001
	Pentachlorodibenzo-p-dioxins		a	a	0.001
	ns		a	a	0.001
	Pentachlorodibenzo-furans		a	a	0.001
	Tetrachlorodibenzo-p-dioxins		a	a	0.001
	ns		a	a	0.001
	Tetrachlorodibenzo-furans		a	a	0.001
<u>K046</u>	Table A Lead	7439-92-1	0.037	a	NA
<u>K048</u>	Table A Benzene	71-43-2	a	a	14.

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	Benzo(a)pyrene	50-32-8	a	0.047	a	12.
	Bis(2-ethylhexyl)phthalate	117-81-7	a	0.043	a	7.3
	Chrysene	218-01-9	a	0.043	a	15.
	Di-n-butyl phthalate	84-74-2	a	0.06	a	3.6
	Ethylbenzene	100-41-4	a	0.011	a	14.
	Fluorene	86-73-7	a	0.05	a	NA
	Naphthalene	91-20-3	a	0.033	a	42.
	Phenanthrene	85-01-8	a	0.039	a	34.
	Phenol	108-95-2	a	0.047	a	3.6
	Pyrene	129-00-0	a	0.045	a	36.
	Toluene	108-88-3	a	0.011	a	14.
	Xylene(s)	57-12-5	a	0.011	a	22.
	Cyanides (Total)	7440-47-32	a	0.028	a	1.8
	Chromium (Total)	7439-92-1	a	0.037	a	NA
	Lead		a	0.037	a	NA
<u>K049</u>	Table A Anthracene	120-12-7	a	0.039	a	28.
	Benzene	71-43-2	a	0.011	a	14.
	Benzo(a)pyrene	50-32-8	a	0.047	a	12.
	Bis(2-ethylhexyl)phthalate	117-81-7	a	0.043	a	7.3
	Carbon disulfide	75-15-0	a	0.011	a	NA
	Chrysene	218-01-9	a	0.043	a	15.
	2,4-Dimethylphenol	105-67-9	a	0.033	a	NA
	Ethylbenzene	100-41-4	a	0.011	a	14.
	Naphthalene	91-20-3	a	0.033	a	42.
	Phenanthrene	85-01-8	a	0.039	a	34.
	Phenol	108-95-2	a	0.047	a	3.6
	Pyrene	129-00-0	a	0.045	a	36.
	Toluene	108-88-3	a	0.011	a	14.
	Xylene(s)	57-12-5	a	0.011	a	22.
	Cyanides (Total)	7440-47-32	a	0.028	a	1.8
	Chromium (Total)	7439-92-1	a	0.037	a	NA
	Lead		a	0.037	a	NA
<u>K050</u>	Table A Benzo(a)pyrene	50-32-8	a	0.047	a	12.
	Phenol	108-95-2	a	0.047	a	3.6
	Cyanides (Total)	7440-47-32	a	0.028	a	1.8
	Chromium (Total)	7439-92-1	a	0.037	a	NA
	Lead		a	0.037	a	NA
<u>K051</u>	Table A Acenaphthene	83-32-9	a	0.05	a	NA
	Anthracene	120-12-7	a	0.039	a	28.
	Benzene	71-43-2	a	0.011	a	14.
	Benzo(a)anthracene	50-32-8	a	0.043	a	20.
	Benzo(a)pyrene	50-32-8	a	0.047	a	12.
	Bis(2-ethylhexyl)phthalate	75-15-0	a	0.043	a	7.3
	Chrysene	218-01-9	a	0.043	a	15.
	Di-n-butyl phthalate	105-67-9	a	0.06	a	3.6



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K052	Table A	Ethylbenzene	100-41-4	a	0.011	a	14.	NA
		Fluorene	86-73-7	a	0.05a	a	42.	NA
		Naphthalene	91-20-3	a	0.033	a	34.	NA
		Phenanthrene	85-01-8	a	0.039	a	34.	NA
		Phenol	108-95-2	a	0.047	a	36.	NA
		Pyrene	129-00-0	a	0.045	a	14.	NA
		Toluene	108-88-3	a	0.011	a	22.	NA
		Xylene(s)	57-12-5	a	0.028	a	1.8	NA
		Cyanides (Total)	7440-47-32	a	0.2	a	0.037	NA
		Chromium (Total)	7439-92-1	a	0.011	a	14.	NA
		Lead	7439-92-1	a	0.047	a	12.	NA
		Benzo(a)pyrene	50-32-8	a	0.011	a	6.2	NA
		O-Cresol	95-48-7	a	0.011	a	6.2	NA
		p-Cresol	106-44-5	a	0.011	a	14.	NA
		2,4-Dimethylphenol	105-67-9	a	0.033a	a	42.	NA
		Ethylbenzene	100-41-4	a	0.033	a	34	NA
		Naphthalene	91-20-3	a	0.039	a	3.6	NA
		Phenanthrene	85-01-8	a	0.047	a	22.	NA
		Phenol	108-95-2	a	0.011	a	1.8	NA
K060	Tables A & D	Xylene(s)	57-12-5	a	0.028	a	1.8	NA
		Cyanides (Total)	7440-47-32	a	0.2	a	0.037	NA
		Chromium (Total)	7439-92-1	a	0.17	a	0.071	NA
		Lead	7439-92-1	a	0.035	a	3.6	NA
		Benzo(a)pyrene	50-32-8	a	0.028	a	3.4	NA
		Naphthalene	91-20-3	a	0.042	a	1.2	NA
		Phenol	108-95-2	a	1.9	a	NA	NA
		Cyanides (Total)	57-12-5	a	1.61	a	NA	NA
		Cadmium	7440-43-9	a	0.32	a	NA	NA
		Chromium (Total)	7440-47-32	a	0.04	a	NA	NA
K062	Table A	Lead	7439-92-1	a	0.44	a	NA	NA
		Nickel	7440-02-2	a	0.32	a	NA	NA
		Chromium (Total)	7440-47-32	a	0.04	a	NA	NA
		Lead	7439-92-1	a	0.44	a	NA	NA
K069	Tables A & D	Cadmium	7440-43-9	a	1.6	a	NA	NA
		Chromium (Total)	7440-47-32	a	0.51	a	NA	NA
		Lead	7439-92-1	a	0.44	a	NA	NA
		Nickel	7440-02-2	a	0.32	a	NA	NA

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K071	Table A	Mercury	7439-97-6	0.030	NA
		Carbon tetrachloride	58-23-5	s	0.057
		Chloroform	67-66-3	s	0.046
		Hexachloroethane	67-72-1	s	0.055
		Tetrachloroethene	127-18-4	s	0.056
K073	Table A	1,1,1-Trichloroethane	71-55-6	s	0.054
		Benzene	71-43-2	s	0.14
		Aniline	62-53-3	s	0.81
		Diphenylamine	22-39-4	s	0.52
		Diphenylnitrosamine	96-30-6	s	0.40
K083	Table A	Sum of Diphenylamine and Diphenylnitrosamine	7440-38-2	0.79	NA
		Nitrobenzene	98-95-3	s	0.068
		Phenol	108-95-2	s	0.039
		Cyclohexanone	108-94-1	s	0.36
		Nickel	7440-02-2	s	0.47
K084	Table A	Arsenic	7440-38-2	0.79	NA
		Benzo(a)pyrene	50-32-8	a	0.071
		Chlorobenzene	91-20-3	a	0.036
		m-Dichlorobenzene	95-50-1	s	0.088
		p-Dichlorobenzene	541-73-1	s	0.036
K085	Table A	1,2,4-Trichlorobenzene	106-46-7	s	0.090
		1,2,4,5-Tetrachlorobenzene	120-82-1	s	0.055
		Pentachlorobenzene	95-94-3	s	0.055
		Hexachlorobenzene	608-93-5	s	0.055
		Aroclor 1016	118-74-1	s	0.055
K086	Table A	Aroclor 1221	12674-11-2	s	0.013
		Aroclor 1232	1104-28-2	s	0.014
		Aroclor 1242	1141-16-5	s	0.013
		Aroclor 1248	53469-21-9	s	0.017
		Aroclor 1254	12672-29-6	s	0.013
K086	Table A	Aroclor 1260	11097-69-1	s	0.014
		Acetone	67-64-1	0.28	a
		Bis(2-ethylhexyl)phthalate	96-86-2	0.010	a
		n-Butyl alcohol	117-81-7	0.28	a
		Butylbenzylphthalate	71-36-3	5.6	a
K086	Table A	cyclohexanone	85-68-7	s	0.017
		1,2-Dichlorobenzene	108-94-1	0.36	a
		Diethyl phthalate	95-50-1	0.088	a
		Dimethyl phthalate	84-66-2	0.20	a
		Di-n-butyl phthalate	131-11-3	0.047	a



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Di-n-octyl phthalate	117-84-0	s	0.017	a	28.
Ethyl acetate	141-78-6	s	0.34	a	33.
Ethylbenzene	100-41-4	s	0.057	a	6.0
Methanol	67-56-1	s	5.6	NA	
Methyl isobutyl ketone	108-10-1	s	0.14	a	33.
Methyl ethyl ketone	78-93-3	s	0.28	a	36.
Methylene chloride	75-09-2	s	0.089	a	33.
Naphthalene	91-20-3	s	0.059	a	3.1
Nitrobenzene	98-95-3	s	0.068	a	14.
Toluene	108-88-3	s	0.080	a	28.
1,1,1-Trichloroethane	71-55-6	s	0.054	a	5.6
Trichloroethylene	79-01-6	s	0.054	a	5.6
Xylene(s)	(Total)	s	0.32	a	28.
Cyanides (Total)	57-12-5	s	1.9	a	1.5
Chromium (Total)	7440-47-32	s	0.32	NA	
Lead	7439-92-1	s	0.037	NA	
Acenaphthalene	208-96-8	a	0.028	a	3.4
Benzene	71-43-2	a	0.014	a	0.071
Chrysene	218-01-9	a	0.028	a	3.4
Fluoranthene	206-44-0	a	0.028	a	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	a	0.028	a	3.4
Naphthalene	91-20-3	a	0.028	a	3.4
Phenanthrene	85-01-8	a	0.028	a	3.4
Toluene	108-88-3	a	0.008	a	0.65
Xylene(s)	(Total)	a	0.014	a	0.07
Lead	7439-92-1	a	0.037	NA	
Phthalic anhydride (measured as Phthalic acid)	85-44-9	a	0.54	a	28.
Phthalic anhydride (measured as Phthalic acid)	85-44-9	a	0.54	a	28.
1,1,1,2-Tetrachloroethane	630-20-6	0.057	a	5.6	
1,1,2,2-Tetrachloroethane	79-34-6	0.057	a	5.6	
Tetrachloroethene	127-18-4	0.056	a	6.0	
1,1,2-Trichloroethane	79-00-5	0.054	a	6.0	
Trichloroethylene	79-01-6	0.054	a	5.6	
Hexachloroethane	67-72-1	0.055	a	5.6	
Pentachloroethane	76-01-7	0.055	a	5.6	
1,1,1,2-Tetrachloroethane	630-20-6	0.057	a	5.6	
1,1,2,2-Tetrachloroethane	79-34-6	0.057	a	5.6	
Tetrachloroethene	127-18-4	0.056	a	6.0	
1,1,2-Trichloroethane	79-00-5	0.054	a	6.0	

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Trichloroethene	79-01-6	0.054	a	5.6
1,3-Dichlorobenzene	541-73-1	0.036	a	5.6
Pentachloroethane	76-01-7	0.055	a	5.6
1,2,4-Trichlorobenzene	120-82-1	0.055	a	19.
Hexachlorocyclopentadiene	77-47-4	0.057	s	2.4
Chlordane	57-74-9	0.0033	s	0.26
Heptachlor	76-44-8	0.0012	s	0.066
Heptachlor epoxide	1024-57-3	0.016	s	0.066
Toxaphene	8001-35-1	0.0095	s	2.6
2,4-Dichlorophenoxyacetic acid	94-75-7	1.	a	1.
Hexachlorodibenzo-p-dioxins		0.001	a	0.001
Hexachlorodibenzofurans		0.001	a	0.001
Pentachlorodibenzo-p-dioxins		0.001	a	0.001
Pentachlorodibenzofurans		0.001	a	0.001
Tetrachlorodibenzo-p-dioxins		0.001	a	0.001
ns		0.001	a	0.001
Tetrachlorodibenzofurans		0.001	a	0.001
Cadmium	7440-43-9	1.6		NA
Chromium (Total)	7440-47-32	0.32		NA
Lead	7439-92-1	0.51		NA
o-Nitroaniline		0.27	a	14.
Arsenic	7440-38-2	0.79		NA
Cadmium	7440-43-9	0.24		NA
Lead	7439-92-1	0.17		NA
Mercury	7439-97-6	0.082		NA
o-Nitrophenol		0.028	a	13.
Arsenic	7440-38-2	0.79		NA
Cadmium	7440-43-9	0.24		NA
Lead	7439-92-1	0.17		NA
Mercury	7439-97-6	0.082		NA
Aniline	62-53-3	4.5	a	5.6
Benzene	71-43-2	0.15	a	6.0
2,4-Dinitrophenol	51-28-5	0.61	a	5.6
Nitrobenzene	98-95-3	0.073	a	5.6
Phenol	108-95-2	1.4	a	5.6
Aniline	62-53-3	4.5	a	5.6
Benzene	71-43-2	0.15	a	6.0

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K105	2,4-Dinitrophenol	51-28-5	a	0.61	a	5.6
	Nitrobenzene	98-95-3	a	0.073	a	5.6
	Phenol	108-95-2	a	1.4	a	5.6
	Cyanides (Total)	57-12-5	a	2.7	a	1.8
K106	Benzene	71-43-2	a	0.14	a	4.4
	Chlorobenzene	108-90-7	a	0.057	a	4.4
	o-Dichlorobenzene	95-50-1	a	0.088	a	4.4
	p-Dichlorobenzene	106-46-7	a	0.090	a	4.4
	2,4,5-Trichlorophenol	95-95-4	a	0.18	a	4.4
	2,4,6-Trichlorophenol	88-06-2	a	0.035	a	4.4
	2-Chlorophenol	95-57-8	a	0.044	a	4.4
	Phenol	108-95-2	a	0.039	a	4.4
K106	Tables A & D	7439-97-6		0.030		NA
K115	Table A Nickel	7440-02-2		0.47		NA

a Treatment standards for this organic constituent were established based upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O or 725.Subpart O, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may certify compliance with these treatment standards according to provisions in Section 728.107.

s Based on analysis of composite samples.

(R) As analyzed using SW-846 Method 9010; sample size: 0.5-10; distillation time: one hour to one hour and fifteen minutes.

NA Not Applicable.

TABLE B (CCW): P AND U LISTED WASTES

Waste Code	Commercial Chemical Name	Regulated Hazardous Constituent	See Also	CAS No. for Regulated Hazardous Constituent	Concentration (mg/l)	Non-Wastewaters
P004	Aldrin	Aldrin		309-00-2	0.21	0.066
P010	Arsenic acid	Arsenic	Table A	7440-38-2	0.79	NA
P011	Arsenic pentoxide	Arsenic	Table A	7440-38-2	0.79	NA

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P012	Arsenic trioxide	Table A	Arsenic	7440-38-2	0.79	NA
P013	Barium cyanide	Table A	Cyanides (Total)	57-12-5	1.9	110.
			Cyanides (Amenable)	57-12-5	0.1	9.1
P020	2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	2-sec-Butyl-4,6-dinitrophenol	98-85-7	0.066	*	2.5
P021	Calcium cyanide	Cyanides (Total)	57-12-5	1.9		110.
		Cyanides (Amenable)	57-12-5	0.1		9.1
P022	Carbon disulfide	Table D	Carbon disulfide	75-15-0	0.014	NA
P024	p-Chloroaniline	p-Chloroaniline	106-47-8	0.46	*	16.
P029	Copper cyanide	Cyanides (Total)	57-12-5	1.9		110.
		Cyanides (Amenable)	57-12-5	0.1		9.1
P030	Cyanides (soluble salts and complexes)	Cyanides (Total)	57-12-5	1.9		110.
		Cyanides (Amenable)	57-12-5	0.1		9.1
P036	Dichlorophenylarsine	Table A	Arsenic	7440-38-2	0.79	NA
P037	Dieldrin	Dieldrin	60-57-1	*	0.017	* 0.13
P038	Diethylarsine	Table A	Arsenic	7440-38-2	0.79	NA
P039	Disulfoton	Disulfoton	298-04-4	0.017	*	0.1



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P047	4,6-Dinitro-o-cresol	534-52-4	* 0.28	* 160.	P082	N-Nitroso-dimethyl-amine	Table D	N-Nitroso-dimethyl-amine	52-75-2	* 0.40	NA
P048	2,4-Dinitro-phenol	51-28-5	* 0.12	* 160.	P089	Parathion	Parathion	Parathion	56-38-2	* 0.025	* 0.1
P050	Endosulfan	939-98-8	* 0.023	* 0.066	P092	Phenyl-mercury acetate	Tables A & D	Mercury	7439-97-6	0.030	NA
P051	Endrin	72-20-8	* 0.0028	* 0.13	P094	Phorate	Phorate	Phorate	298-02-2	* 0.025	* 0.1
P056	Fluoride	18694-48-8	35.	NA	P097	Famphur	Famphur	Famphur	52-85-7	* 0.025	* 0.1
P059	Heptachlor	76-44-8	* 0.0012	* 0.066	P098	Potassium cyanide	Cyanides (Total) (Amenable)	Cyanides (Total) (Amenable)	57-12-5	1.9	110.
P060	Isodrin	465-73-6	* 0.021	* 0.066	P099	Potassium silver cyanide	Table A	Cyanides (Total)	57-12-5	1.9	110.
P063	Hydrogen cyanide	57-12-5	1.9	110.	P101	Ethyl cyanide (Propane-nitrile)	Cyanides (Amenable) Silver	Cyanides (Amenable) Silver	57-12-5	0.1	9.1
P065	Mercury fulminate	7439-97-6	0.10	9.1	P103	Selenourea	Table A	Selenourea	7782-49-2	* 1.0	NA
P071	Methyl parathion	298-00-0	0.025	* 0.1	P104	Silver cyanide	Table A	Cyanides (Total) Cyanides (Amenable) Silver	57-12-5	1.9	110.
P073	Nickel carbonyl	7440-02-2	0.44	NA	P106	Sodium cyanide	Table A	Cyanides (Total) Cyanides (Amenable) Silver	57-12-5	0.10	9.1
P074	Nickel cyanide	57-12-5	1.9	110.	P110	Tetraethyl lead	Tables A & D	Cyanides (Total) Cyanides (Amenable)	7440-22-4	0.29	NA
P077	p-Nitro-aniline	100-01-6	* 0.028	* 28.				Cyanides (Total) Cyanides (Amenable)	57-12-5	1.9	110.
								Cyanides (Total) Cyanides (Amenable)	57-12-5	0.10	9.1
								Lead	7439-92-1	0.040	NA

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P082	N-Nitroso-dimethyl-amine	Table D	N-Nitroso-dimethyl-amine	52-75-2	* 0.40	NA
P089	Parathion	Parathion	Parathion	56-38-2	* 0.025	* 0.1
P092	Phenyl-mercury acetate	Tables A & D	Mercury	7439-97-6	0.030	NA
P094	Phorate	Phorate	Phorate	298-02-2	* 0.025	* 0.1
P097	Famphur	Famphur	Famphur	52-85-7	* 0.025	* 0.1
P098	Potassium cyanide	Cyanides (Total) (Amenable)	Cyanides (Total) (Amenable)	57-12-5	1.9	110.
P099	Potassium silver cyanide	Table A	Cyanides (Total)	57-12-5	1.9	110.
P101	Ethyl cyanide (Propane-nitrile)	Cyanides (Amenable) Silver	Cyanides (Amenable) Silver	57-12-5	0.1	9.1
P103	Selenourea	Table A	Selenourea	7782-49-2	* 1.0	NA
P104	Silver cyanide	Table A	Cyanides (Total) Cyanides (Amenable) Silver	57-12-5	1.9	110.
P106	Sodium cyanide	Table A	Cyanides (Total) Cyanides (Amenable) Silver	57-12-5	0.10	9.1
P110	Tetraethyl lead	Tables A & D	Cyanides (Total) Cyanides (Amenable)	7440-22-4	0.29	NA
			Cyanides (Total) Cyanides (Amenable)	57-12-5	1.9	110.
			Cyanides (Total) Cyanides (Amenable)	57-12-5	0.10	9.1
			Lead	7439-92-1	0.040	NA

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P113	Thallic oxide	Table D Thallium	7440-28-0	* 0.14	NA	U024	Bis(2- chloro- ethoxy)- methane	Bis(2-chloro- ethoxy)- methane	111-91-1	0.036	* 7.2
P114	Thallium selenite	Table A Selenium	7782-49-2	1.0	NA	U025	Bis(2- chloro- ethoxy) ether	Bis(2-chloro- ethoxy) ether	111-44-4	0.033	* 7.2
P115	Thallium(I) sulfate	Table D Thallium	7440-28-0	* 0.14	NA	U027	Bis(2- chloro- isopropyl) ether	Bis(2-chloro- isopropyl) ether	39638-32-9	0.055	* 7.2
P119	Ammonia vanadate	Table D Vanadium	7440-62-2	* 28.	NA	U028	Bis(2-ethyl- hexyl) phthalate	Bis(2-ethyl- hexyl) phthalate	117-81-7	* 0.54	* 28.
P120	Vanadium pentoxide	Table D Vanadium	7440-62-2	* 28.	NA	U029	Bromomethane (Methyl bromide)	Bromomethane (Methyl bromide)	74-83-9	* 0.11	* 15.
P121	Zinc cyanide	Cyanides (Total)	57-12-5	1.9	110.	U030	4- Bromophenyl phenyl ether	4-Bromophenyl phenyl ether	101-55-3	* 0.055	* 15.
P123	Toxaphene	Cyanides (Amenable)	57-12-5	0.10	9.1	U031	n-Butyl alcohol	n-Butyl alcohol	71-36-3	5.6	* 2.6
U002	Acetone	Toxaphene	8001-35-1	* 0.0095	* 1.3	U032	Calcium Chromate	Calcium Chromate	7440-47-32	0.32	NA
U003	Acetonitrile	Acetone	67-64-1	0.28	* 160.	U036	Chlordane (alpha and gamma)	Chlordane (alpha and gamma)	57-74-9	* 0.00033	* 0.13
U004	Acetophenone	Acetonitrile	75-05-8	0.17	NA	U037	Chlorobenzene	Chlorobenzene	108-90-7	* 0.057	* 5.7
U005	2-Acetyl- amino- fluorene	Acetophenone	98-86-2	* 0.010	* 9.7	U038	Chloro- benzilate	Chloro- benzilate	510-15-6	* 0.10	NA
U009	Acrylo- nitrile	2-Acetyl- amino- fluorene	53-96-3	* 0.059	* 140.	U039	p-Chloro-m- cresol	p-Chloro-m- cresol	59-50-7	* 0.018	* 14.
U012	Aniline	Acrylonitrile	107-13-1	* 0.24	* 84.	U042	2-Chloro- ethyl vinyl	2-Chloroethyl vinyl	110-75-8	0.057	NA
U018	Benz(a)- anthracene	Aniline	62-53-3	0.81	* 14.						
U019	Benzene	Benz(a)- anthracene	56-55-3	* 0.059	* 8.2						
U022	Benzo(a)- pyrene	Benzene	71-43-2	* 0.14	* 36.						
		Benzo(a)- pyrene	50-32-8	* 0.061	* 8.2						

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U024	Bis(2- chloro- ethoxy)- methane	Bis(2-chloro- ethoxy)- methane	111-91-1	0.036	* 7.2
U025	Bis(2- chloro- ethoxy) ether	Bis(2-chloro- ethoxy) ether	111-44-4	0.033	* 7.2
U027	Bis(2- chloro- isopropyl) ether	Bis(2-chloro- isopropyl) ether	39638-32-9	0.055	* 7.2
U028	Bis(2-ethyl- hexyl) phthalate	Bis(2-ethyl- hexyl) phthalate	117-81-7	* 0.54	* 28.
U029	Bromomethane (Methyl bromide)	Bromomethane (Methyl bromide)	74-83-9	* 0.11	* 15.
U030	4- Bromophenyl phenyl ether	4-Bromophenyl phenyl ether	101-55-3	* 0.055	* 15.
U031	n-Butyl alcohol	n-Butyl alcohol	71-36-3	5.6	* 2.6
U032	Calcium Chromate	Calcium Chromate	7440-47-32	0.32	NA
U036	Chlordane (alpha and gamma)	Chlordane (alpha and gamma)	57-74-9	* 0.00033	* 0.13
U037	Chloro- benzene	Chlorobenzene	108-90-7	* 0.057	* 5.7
U038	Chloro- benzilate	Chloro- benzilate	510-15-6	* 0.10	NA
U039	p-Chloro-m- cresol	p-Chloro-m- cresol	59-50-7	* 0.018	* 14.
U042	2-Chloro- ethyl vinyl	2-Chloroethyl vinyl	110-75-8	0.057	NA



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U043	Vinyl chloride	75-01-4	*	0.27	*	33.	U063	Dibenzo-(a,h)-anthracene	53-70-3	*	0.055	*	8.2
U044	Chloroform	67-66-3	*	0.046	*	5.6	U066	1,2-Dibromo-3-chloro-propane	96-12-8	*	0.11	*	15.
U045	Chloro-methane (Methyl chloride)	74-87-3	*	0.19	*	33.	U067	1,2-Di-bromoethane (Ethylene dibromide)	106-93-4	*	0.028	*	15.
U047	2-Chloro-naphthalene	91-58-7	*	0.055	*	5.6	U068	Di-bromoethane	74-95-3	*	0.11	*	15.
U048	2-Chloro-phenol	95-57-8	*	0.044	*	5.7	U069	Di-n-butyl phthalate	84-74-2	*	0.54	*	28.
U050	Chrysene	218-01-9	*	0.059	*	8.2	U070	o-Dichloro-benzene	95-50-1	*	0.088	*	6.2
U051	Cresote	Table A					U071	m-Dichloro-benzene	541-73-1		0.036		6.2
		91-20-3	*	0.031	*	1.5	U072	p-Dichloro-benzene	104-46-7	*	0.090	*	6.2
		87-86-5	*	0.18	*	7.4	U075	Dichlorodi-fluoromethane	75-71-8	*	0.23	*	7.2
		85-01-8	*	0.031	*	1.5	U076	1,1-Di-chloroethane	75-34-3	*	0.059		7.2
		129-00-0	*	0.028	*	28.	U077	1,2-Di-chloroethane	107-06-2	*	0.21	*	7.2
		108-88-3	*	0.028	*	33.	U078	1,1-Di-chloro-ethylene	75-35-4	*	0.025	*	33.
		Xylenes (Total)	*	0.032	*	NA	U079	trans-1,2-Dichloro-ethylene	156-60-5	*	0.054		33. X
		Lead	*	0.037	*		U080	Methylene chloride	75-08-2		0.089 Y		33. X
U052	Cresols (m-Cresylic acid)	95-48-7	*	0.11	*	5.6							
	Cresols (m- and p-isomers)	7439-92-1	*	0.037	*								
U057	Cyclo-hexanone	108-94-1		0.36		NA							
U060	DDD	53-19-0	*	0.023	*	0.087							
U061	DDT	72-54-8	*	0.023	*	0.087							
		789-02-6	*	0.0039	*	0.087							
		50-29-3	*	0.0039	*	0.087							
		53-19-0	*	0.023	*	0.087							
		72-54-8	*	0.023	*	0.087							
		3424-82-6	*	0.031	*	0.087							
		72-55-9	*	0.031	*	0.087							

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U081	2,4-Di-chlorophenol	2,4-Dichloro-phenol	120-83-2	0.044 Y	14. X	U117	Ethyl ether	Ethyl ether	60-29-7	0.12 Y	160. X
U082	2,6-Di-chlorophenol	2,6-Dichloro-phenol	87-65-0	0.044 Y	14. X	U118	Ethyl methacrylate	Ethyl methacrylate	97-63-2	0.14 Y	160. X
U083	1,2-Di-chloro-propane	1,2-Dichloro-propane	78-87-5	0.85 Y	18. X	U120	Fluoranthene	Fluoranthene	206-44-0	0.068 Y	8.2 X
U084	1,3-Di-chloro-propene	cis-1,3-Di-chloro-propene	10061-01-5	0.036 Y	18. X	U121	Trichloro-monofluoro-methane	Trichloro-monofluoro-methane	75-69-4	0.020 Y	33. X
U088	Diethyl phthalate	Diethyl phthalate	84-86-2	0.54 X	28. X	U127	Hexachloro-benzene	Hexachloro-benzene	118-74-1	0.055 Y	37. X
U093	p-Dimethyl-aminazo-benzene	p-Dimethyl-aminazo-benzene	10061-02-6	0.036 Y	18. X	U128	Hexachloro-butadiene	Hexachloro-butadiene	87-68-3	0.055 Y	28. X
U101	2,4-Di-methylphenol	2,4-Dimethyl-phenol	105-67-9	0.036 Y	14. X	U129	Lindane	alpha-BHC	319-84-6	0.00014 Y	0.066 X
U102	Dimethyl phthalate	Dimethyl phthalate	131-11-3	0.54 X	28. X	U130	Hexachloro-cyclopenta-diene	beta-BHC	319-85-7	0.00014	0.066 X
U105	2,4-Dinitro-toluene	2,4-Dinitro-toluene	121-14-2	0.32 Y	140. X	U131	Hexachloro-ethane	Delta-BHC	319-86-8	0.023	0.066 X
U106	2,6-Dinitro-toluene	2,6-Dinitro-toluene	606-20-2	0.55 Y	28. X	U134	Hydrogen fluoride	gamma-BHC	58-89-9	0.0017	0.066 X
U107	Di-n-octyl phthalate	Di-n-octyl phthalate	117-84-0	0.54 X	28. X	U136	Cacodylic acid	(Lindane)	77-47-7	0.057 Y	3.6 X
U108	1,4-Dioxane	1,4-Dioxane	123-91-1	0.12 Y	170. X	U137	Indeno(1,2,3-c,d)pyrene	Hexachloro-ethane	67-72-1	0.055 Y	28. X
U111	Di-n-propyl-nitrosoamine	Di-n-propyl-nitrosoamine	621-64-7	0.40 Y	14. X	U138	Iodomethane	Table D Fluoride	16964-48-8	35.	NA
U112	Ethyl acetate	Ethyl acetate	141-78-6	0.34 Y	33. X	U140	Isobutyl alcohol	Table A Arsenic	7440-38-2	0.79	NA
U113	Ethyl acetate	Ethyl acetate	141-78-6	0.34 Y	33. X	U141	Isosafrole	Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055 Y	8.2 X
U114	Ethyl acetate	Ethyl acetate	141-78-6	0.34 Y	33. X	U142	Isosafrole	Iodomethane	74-88-4	0.19 Y	65. X
U115	Ethyl acetate	Ethyl acetate	141-78-6	0.34 Y	33. X	U143	Isosafrole	Isobutyl alcohol	78-83-1	5.6	170. X
U116	Ethyl acetate	Ethyl acetate	141-78-6	0.34 Y	33. X	U144	Isosafrole	Isosafrole	120-58-1	0.081	2.6 X

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U142	Kepone	143-50-8	0.0011	0.13 X	U172	N-Nitroso-di-n-butyl-amine	924-16-3	0.40 Y	17. X
U144	Lead acetate	7439-92-1	0.040	NA	U174	N-Nitroso-diethylamine	55-18-5	0.40 Y	28. X
U145	Lead phosphate	7439-92-1	0.040	NA	U179	N-Nitroso-piperidine	100-75-4	0.013 Y	35. X
U146	Lead subacetate	7439-92-1	0.040	NA	U180	N-Nitroso-pyrrolidine	930-55-2	0.013 Y	35. X
U151	Mercury	7439-97-6	0.030	NA	U181	5-Nitro-o-toluidine	99-55-8	0.32 Y	28. X
U152	Methacrylonitrile	126-98-7	0.24 Y	84. X	U183	Pentachloro-benzene	608-93-5	0.055 Y	37. X
U155	Methapyrilen	Methacrylonitrile	0.081	1.5 X	U185	Pentachloro-nitrobenzene	82-68-8	0.055 Y	4.8 X
U157	3-Methyl-cholanthrene	Methapyrilen	0.0055 Y	15. X	U187	Phenacetin	62-44-2	0.081	16. X
U158	4,4'-Methylene-bis(2-chloro-aniline)	56-49-5	0.50 Y	35. X	U188	Phenol	108-95-2	0.039	6.2 X
U159	Methyl ethyl ketone	101-14-4	0.28	36. X	U190	Phthalic anhydride (measured as phthalic acid)	85-44-9	0.54 X	28. X
U161	Methyl isobutyl ketone	78-93-3	0.14	33. X	U192	Pronamide	23950-58-5	0.093	1.5 X
U162	Methyl methacrylate	108-10-1	0.14	160. X	U196	Pyridine	110-86-1	0.014 Y	16. X
U165	Naphthalene	80-62-6	0.059 Y	3.1 X	U203	Safrole	94-59-7	0.061	22. X
U168	2-Naphthyl-amine	91-20-3	0.52 Y	NA	U204	Selenium dioxide	7782-49-2	1.0	NA
U169	Nitrobenzene	91-59-8	0.068 Y	14. X	U205	Selenium sulfide	7782-49-2	1.0	NA
U170	4-Nitro-phenol	98-95-3	0.12 Y	29. X	U207	1,2,4,5-Tetrachloro-benzene	95-94-3	0.055 Y	19. X

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U172	N-Nitroso-di-n-butyl-amine	924-16-3	0.40 Y	17. X
U174	N-Nitroso-diethylamine	55-18-5	0.40 Y	28. X
U179	N-Nitroso-piperidine	100-75-4	0.013 Y	35. X
U180	N-Nitroso-pyrrolidine	930-55-2	0.013 Y	35. X
U181	5-Nitro-o-toluidine	99-55-8	0.32 Y	28. X
U183	Pentachloro-benzene	608-93-5	0.055 Y	37. X
U185	Pentachloro-nitrobenzene	82-68-8	0.055 Y	4.8 X
U187	Phenacetin	62-44-2	0.081	16. X
U188	Phenol	108-95-2	0.039	6.2 X
U190	Phthalic anhydride (measured as phthalic acid)	85-44-9	0.54 X	28. X
U192	Pronamide	23950-58-5	0.093	1.5 X
U196	Pyridine	110-86-1	0.014 Y	16. X
U203	Safrole	94-59-7	0.061	22. X
U204	Selenium dioxide	7782-49-2	1.0	NA
U205	Selenium sulfide	7782-49-2	1.0	NA
U207	1,2,4,5-Tetrachloro-benzene	95-94-3	0.055 Y	19. X

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U208	1,1,1,2-Tetrachloro-ethane	1,1,1,2-Tetrachloro-ethane	630-20-6	0.057	42. X	U240	2,4-Di-chloro-phenoxy-acetic acid	2,4-Dichloro-phenoxycetic acid	94-75-7	0.72	10. X
U209	1,1,1,2,2-Tetrachloro-ethane	1,1,1,2,2-Tetrachloro-ethane	79-34-5	0.057 Y	42. X	U243	Hexachloro-propene	Hexachloro-propene	1988-71-7	0.095 Y	28.
U210	Tetrachloro-ethylene	Tetrachloro-ethylene	127-18-4	0.056 Y	5.6 X	U247	Methoxychlor	Methoxychlor	72-43-5	0.25 Y	0.18 X
U211	Carbon tetra-chloride	Carbon tetra-chloride	56-53-5	0.057 Y	5.6 X	X	Treatment standards for this organic constituent were established based upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart 0 or 725.Subpart 0, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may certify compliance with these treatment standards according to provisions in Section 728.107.				
U214	Thallium(I) acetate	Table D Thallium acetate	7440-28-0	0.14 Y	NA	Y	Based on analysis of composite samples.				
U215	Thallium(I) carbonate	Table D Thallium carbonate	7440-28-0	0.14 Y	NA	Z	As analyzed using SW-846 Method 9010; sample size: 0.5-10; distillation time: one hour to one hour fifteen minutes.				
U216	Thallium(I) chloride	Table D Thallium chloride	7440-28-0	0.14 Y	NA	NA	Not Applicable.				
U217	Thallium(I) nitrate	Table D Thallium nitrate	7440-28-0	0.14 Y	NA	(Source: Amended at 15 Ill. Reg. , effective )					
U220	Toluene	Toluene	108-88-3	0.080 Y	28. X						
U225	Tribromo-methane (Bromoform)	Tribromo-methane (Bromoform)	75-25-2	0.63 Y	15. X						
U226	1,1,1-Tri-chloroethane	1,1,1-Tri-chloroethane	71-55-6	0.054 Y	5.6 X						
U227	1,1,2-Tri-chloroethane	1,1,2-Tri-chloroethane	79-00-5	0.054 Y	5.6 X						
U228	Trichloro-ethylene	Trichloro-ethylene	79-01-6	0.054 Y	5.6 X						
U235	tris-(2,3-Dibromo-propyl)-phosphate	tris-(2,3-Dibromo-propyl)-phosphate	126-72-7	0.025	0.10 X						
U239	Xylenes	Xylene		s 0.32 Y	28. X						



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Section 728. Table C  
Technology Codes and Description of Technology-Based Standards

## Technology

## code Description of technology-based standard

**ADGAS** Venting of compressed gases into an absorbing or reacting media (i.e., solid or liquid)--venting can be accomplished through physical release utilizing values/piping; physical penetration of the container; and/or penetration through detonation.

**AMLGM** Amalgamation of liquid, elemental mercury contaminated with radioactive materials utilizing inorganic reagents such as copper, zinc, nickel, gold, and sulfur that result in a nonliquid, semi-solid amalgam and thereby reducing potential emissions of elemental mercury vapors to the air.

**BIODG** Biodegradation of organics or non-metallic inorganics (i.e., degradable inorganics that contain the elements of phosphorus, nitrogen, and sulfur) in units operated under either aerobic or anaerobic conditions such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., Total Organic Carbon can often be used as an indicator parameter for the biodegradation of many organic constituents that cannot be directly analyzed in wastewater residues).

**CAREN** Carbon adsorption (granulated or powdered) of non-metallic inorganics, organo-metallics, and/or organic constituents, operated such that a surrogate compound or indicator parameter has not undergone breakthrough (e.g., Total Organic Carbon can often be used as an indicator parameter for the adsorption of many organic constituents that cannot be directly analyzed in wastewater residues). Breakthrough occurs when the carbon has become saturated with the constituent (or indicator parameter) and substantial change in adsorption rate associated with that constituent occurs.

**CHOXD** Chemical or electrolytic oxidation utilizing the following oxidation reagents (or waste reagents) or combinations of reagents:

- 1) Hypochlorite (e.g. bleach);
- 2) chlorine;
- 3) chlorine dioxide;
- 4) ozone or UV (ultraviolet light) assisted ozone;
- 5) peroxides;

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- 6) persulfates;
- 7) perchlorates;
- 8) permanganates; and/or
- 9) other oxidizing reagents of equivalent efficiency, performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., Total Organic Carbon can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues). Chemical oxidation specifically includes what is commonly referred to as alkaline chlorination.

**CHRED** Chemical reduction utilizing the following reducing reagents (or waste reagents) or combinations of reagents:

- 1) Sulfur dioxide;
- 2) sodium, potassium, or alkali salts of sulfites, bisulfites, metabisulfites, and polyethylene glycols (e.g., NaPEG and KPEG);
- 3) sodium hydrosulfide;
- 4) ferrous salts; and/or
- 5) other reducing reagents of equivalent efficiency, performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., Total Organic Halogens can often be used as an indicator parameter for the reduction of many halogenated organic constituents that cannot be directly analyzed in wastewater residues). Chemical reduction is commonly used for the reduction of hexavalent chromium to the trivalent state.

**DEACT** Deactivation to remove the hazardous characteristics of a waste due to its ignitability, corrosivity, and/or reactivity.

**FSUBS** Fuel substitution in units operated in accordance with applicable technical operating requirements.

**HLVIT** Vitrification of high level mixed radioactive wastes in units in compliance with all applicable radioactive protection requirements under control of the Nuclear Regulatory Commission.

**IMERC** Incineration of wastes containing organics and mercury in units operated in accordance with the technical operating requirements of 35



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Ill. Adm. Code 724.Subpart O or 725.Subpart O. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per waste code with consideration of any applicable subcategories (e.g., High or Low Mercury Subcategories).

INCLIN Incineration in units operated in accordance with the technical operating requirements of 35 Ill. Adm. Code 724.Subpart O or 725.Subpart O.

LLEXT Liquid-liquid extraction (often referred to as solvent extraction) of organics from liquid wastes into an immiscible solvent for which the hazardous constituents have a greater solvent affinity, resulting in an extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery/reuse and a raffinate (extracted liquid waste) proportionately low in organics that must undergo further treatment as specified in the standard.

MACHO Macroencapsulation with surface coating materials such as polymeric organics (e.g. resins and plastics) or with a jacket of inert inorganic materials to substantially reduce surface exposure to potential leaching media. Macroencapsulation specifically does not include any material that would be classified as a tank or container according to 35 Ill. Adm. Code 720.110.

NEUTR Neutralization with the following reagents (or waste reagents) or combinations of reagents:

- 1) Acids;
- 2) bases; or
- 3) water (including wastewaters) resulting in a pH greater than 2 but less than 12.5 as measured in the aqueous residuals.

NLDBR No land disposal based on recycling.

PRECIP Chemical precipitation of metals and other inorganics as insoluble precipitates of oxides, hydroxides, carbonates, sulfides, sulfates, chlorides, fluorides, or phosphates. The following reagents (or waste reagents) are typically used alone or in combination:

- 1) Lime (i.e., containing oxides and/or hydroxides of calcium and/or magnesium;
- 2) caustic (i.e., sodium and/or potassium hydroxides;
- 3) soda ash (i.e., sodium carbonate);

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- 4) sodium sulfide;
- 5) ferric sulfate or ferric chloride;
- 6) alum; or
- 7) sodium sulfate. Additional flocculating, coagulation, or similar reagents/processes that enhance sludge dewatering characteristics are not precluded from use.

RBERY Thermal recovery of Beryllium.

RCGAS Recovery/reuse of compressed gases including techniques such as reprocessing of the gases for reuse/resale; filtering/adsorption of impurities; remixing for direct reuse of resale; and use of the gas as a fuel source.

RCORR Recovery of acids or bases utilizing one or more of the following recovery technologies:

- 1) Distillation (i.e., thermal concentration);
- 2) ion exchange;
- 3) resin or solid adsorption;
- 4) reverse osmosis; and/or
- 5) incineration for the recovery of acid--Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RLEAD Thermal recovery of lead in secondary lead smelters.

RMERC Retorting or roasting in a thermal processing unit capable of volatilizing mercury and subsequently condensing the volatilized mercury for recovery. The retorting or roasting unit (or facility) must be subject to one or more of the following:

- a) A National Emissions Standard for Hazardous Air Pollutants (NESHAP) for mercury (40 CFR 61, Subpart E);
- b) A Best Available Control Technology (BACT) or a Lowest Achievable Emission Rate (LAER) standard for mercury imposed pursuant to a



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Prevention of Significant Deterioration (PSD) permit (including 35 Ill. Adm. Code 201 through 203); or

- c) A state permit that establishes emission limitations (within meaning of Section 302 of the Clean Air Act) for mercury, including a permit issued pursuant to 35 Ill. Adm. Code 201. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per waste code with consideration of any applicable subcategories (e.g., High or Low Mercury Subcategories).

RMETL Recovery of metals or inorganics utilizing one or more of the following direct physical/removal technologies:

- 1) Ion exchange;
- 2) Resin or solid (i.e., zeolites) adsorption;
- 3) Reverse osmosis;
- 4) Chelation/solvent extraction;
- 5) Freeze crystallization;
- 6) Ultrafiltration; and/or 6 simple precipitation (i.e., crystallization)

Note: This does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

ROGMS Recovery of organics utilizing one or more of the following technologies:

- 1) Distillation;
- 2) Thin film evaporation;
- 3) Steam stripping;
- 4) Carbon adsorption;
- 5) Critical fluid extraction;
- 6) Liquid-liquid extraction;

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- 7) precipitation/ crystallization (including freeze crystallization); or

- 8) chemical phase separation techniques (i.e., addition of acids, bases, demulsifiers, or similar chemicals);

Note: This does not preclude the use of other physical phase separation techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RTHRM Thermal recovery of metals or inorganics from nonwastewaters in units defined as cement kilns, blast furnaces, smelting, melting and refining furnaces, combustion devices used to recover sulfur values from spent sulfuric acid and "other devices" determined by the Agency pursuant to 35 Ill. Adm. Code 720.110, the definition of "industrial furnaces".

RZINC Resmelting in for the purpose of recovery of zinc high temperature metal recovery units.

STABL Stabilization with the following reagents (or waste reagents) or combinations of reagents:

- 1) Portland cement; or
- 2) Lime/ pozzolans (e.g., fly ash and cement kiln dust)--this does not preclude the addition of reagents (e.g., iron salts, silicates, and clays) designed to enhance the set/cure time and/or compressive strength, or to overall reduce the leachability of the metal or inorganic.

SSTRP Steam stripping of organics from liquid wastes utilizing direct application of steam to the wastes operated such that liquid and vapor flow rates, as well as, temperature and pressure ranges have been optimized, monitored, and maintained. These operating parameters are dependent upon the design parameters of the unit such as, the number of separation stages and the internal column design. Thus, resulting in a condensed extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery/reuse and an extracted wastewater that must undergo further treatment as specified in the standard.

WETOX Wet air oxidation performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., Total Organic Carbon can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues).

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WTRRX Controlled reaction with water for highly reactive inorganic or organic chemicals with precautionary controls for protection of workers from potential violent reactions as well as precautionary controls for potential emissions of toxic/ ignitable levels of gases released during the reaction.

**Note 1:** When a combination of these technologies (i.e., a treatment train) is specified as a single treatment standard, the order of application is specified in Table D by indicating the five letter technology code that must be applied first, then the designation "fb." (an abbreviation for "followed by"), then the five letter technology code for the technology that must be applied next, and so on.

**Note 2:** When more than one technology (or treatment train) are specified as alternative treatment standards, the five letter technology codes (or the treatment trains) are separated by a semicolon (;) with the last technology preceded by the word "OR". This indicates that any one of these BDAT technologies or treatment trains can be used for compliance with the standard.

(Source: Added at 15 Ill. Reg. , effective )

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## Section 728. Table D

## Technology-Based Standards by RCRA Waste Code

WASTE CODES	SEE ALSO	CAS NO.	TECHNOLOGY CODE WASTEWATERS	NONWASTEWATERS	WASTE DESCRIPTIONS AND/OR TREATMENT SUBCATEGORY
D001		NA	DEACT	NA	Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1)-wastewaters
D001		NA	NA	DEACT	Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1)-wastewaters
D001		NA	NA	DEACT	Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1)-Low TOC Ignitable Liquids Subcategory-- Less than 10% total organic carbon
D001		NA	NA	FSUBS: RORGS? or INCIN	Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1)-High TOC Ignitable Liquids Subcategory-- Greater than or equal to 10% total organic carbon
D001		NA	NA	DEACT**	Ignitable compressed gases based on 35 Ill. Adm. Code 721.121(a)(3)



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D001	NA	NA	DEACT	Ignitable reactives 35 Ill. Adm. Code 721.121(a)(2)
D001	NA	DEACT	DEACT	Oxidizers based on 35 Ill. Adm. Code 721.121(a)(4)
D002	NA	DEACT	DEACT	Acid subcategory based on 35 Ill. Adm. Code 721.122(a)(1)
D002	NA	DEACT	DEACT	Alkaline subcategory based on 35 Ill. Adm. Code 721.122(a)(1)
D002	NA	DEACT	DEACT	Other corrosives based on 35 Ill. Adm. Code 721.122(a)(2)
D003	NA	DEACT	DEACT	Reactive sulfides based on 35 Ill. Adm. Code 721.123(a)(5)
D003	NA	DEACT	DEACT	Explosives based on 35 Ill. Adm. Code 721.123(a)(6), (7) and (8)
D003	NA	NA	DEACT	Water reactives based on 35 Ill. Adm. Code 721.123(a)(2), (3) and (4)

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D003	NA	DEACT	DEACT	Other reactives based on 35 Ill. Adm. Code 721.123(a)(1)
D006	7440-43-9	NA	RTHRM	Cadmium containing batteries
D008	7439-82-1	NA	RLEAD	Lead acid batteries (Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180).)

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D009	Tables A & B 7439-87-6	NA	IMERC; or RMERC	Mercury:-- (High Mercury Subcategory-- greater than or equal to 260 mg/kg total Mercury-- containing mercury and organics (and are not incinerator residues))
D009	Tables A & B 7439-87-6	NA	RMERC	Mercury:-- (High Mercury Subcategory-- greater than or equal to 260 mg/kg total Mercury-- inorganics including incinerator residues and residues from RMERC))
D012	Table B 72-20-8	BIODG; or INCIN	NA	Endrin
D013	Table B 58-89-9	CARBN; or INCIN	NA	Lindane
D014	Table B 72-43-6	WETOX; or INCIN	NA	Methoxychlor
D015	Table B 8001-35-1	BIODG; or INCIN	NA	Toxaphene
D016	Table B 94-75-7	CHOXD; or INCIN	NA	2,4-D
D017	Table B 93-72-1	CHOXD; or INCIN	NA	2,4,5-TP

F005	Tables A & B 79-46-9	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	2-Nitropropane
F005	Tables A & B 110-80-5	BIODG; or INCIN	INCIN	2-Ethoxyethanol
F024	Tables A & B NA	INCIN	INCIN	-----
K025	NA	LLEXT fb SSTRIP fb CARBN; or INCIN	INCIN	Distillation bottoms from the production of Nitrobenzene by the nitration of benzene
K026	NA	INCIN	INCIN	Stripping still tails from the production of methyl ethyl pyridines
K027	NA	CARBN; or INCIN	FSUBS; or INCIN	Centrifuge and distillation residues from toluene diisocyanate production
K039	NA	CARBN; or INCIN	FSUBS; or INCIN	Filter cake from the filtration of diethylphospho rodithioc acid in the production of phorate



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K044	NA	DEACT	DEACT	Wastewater treatment sludges from the manufacturing and processing of explosives
K045	NA	DEACT	DEACT	Spent carbon from the treatment of wastewater containing explosives
K047	NA	DEACT	DEACT	Pink/red water from TNT operations
K061	NA	NA	NLDBR	Emission control dust/sludge from the primary production of steel in electric furnaces (High Zinc Subcategory-- greater than or equal to 15% total Zinc)
K069	Tables A & B NA	NA	PLEAD	Emission control dust/sludge from secondary lead smelting: Non-Calcium Sulfate Subcategory

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K106	Tables A & B NA	NA	RMERC	Wastewater treatment sludge from the mercury cell process in chlorine production: (High Mercury Subcategory-- greater than or equal to 260 mg/kg total mercury)
K113	NA	CARBEN; or INCIN	FSUBS; or INCIN	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene
K114	NA	CARBEN; or INCIN	FSUBS; or INCIN	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene

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<u>K115</u>	<u>NA</u>	<u>CARBN; or</u> <u>INCIN</u>	<u>FSUBS; or</u> <u>INCIN</u>	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene
<u>K116</u>	<u>NA</u>	<u>CARBN; or</u> <u>INCIN</u>	<u>FSUBS; or</u> <u>INCIN</u>	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine
<u>P001</u>	<u>81-81-2</u>	<u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u>	<u>FSUBS; or</u> <u>INCIN</u>	Warfarin ( $>0.3\%$ )
<u>P002</u>	<u>591-08-2</u>	<u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u>	<u>INCIN</u>	1-Acetyl-2- thiourea
<u>P003</u>	<u>107-02-8</u>	<u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u>	<u>FSUBS; or</u> <u>INCIN</u>	Acrolein
<u>P005</u>	<u>107-18-6</u>	<u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u>	<u>FSUBS; or</u> <u>INCIN</u>	Allyl alcohol

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<u>P006</u>	<u>20859-73-8</u>	<u>CHOXD; or</u> <u>CHRED; or</u> <u>INCIN</u>	<u>CHOXD; or</u> <u>CHRED; or</u> <u>INCIN</u>	Aluminum phosphide
<u>P007</u>	<u>2763-96-4</u>	<u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u>	<u>INCIN</u>	5-Aminoethyl 3-isoxazolol
<u>P008</u>	<u>504-24-5</u>	<u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u>	<u>INCIN</u>	4- Aminopyridine
<u>P009</u>	<u>131-74-8</u>	<u>CHOXD; or</u> <u>CHRED; or</u> <u>CARBN; or</u> <u>BIODG; or</u> <u>INCIN</u>	<u>FSUBS; or</u> <u>CHOXD; or</u> <u>CHRED; or</u> <u>INCIN</u>	Ammonium picrate
<u>P014</u>	<u>108-95-5</u>	<u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u>	<u>INCIN</u>	Thiophenol (Benzene thiol)
<u>P015</u>	<u>7440-41-7</u>	<u>NA</u>	<u>RMETL; or</u> <u>RTHRM</u>	Beryllium dust
<u>P016</u>	<u>542-88-1</u>	<u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u>	<u>INCIN</u>	Bis(chloro- methyl)ether
<u>P017</u>	<u>598-31-2</u>	<u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u>	<u>INCIN</u>	Bromoacetone
<u>P018</u>	<u>357-57-3</u>	<u>(WETOX or</u> <u>CHOXD) fb</u> <u>CARBN; or</u> <u>INCIN</u>	<u>INCIN</u>	Brucine
<u>P022</u>	<u>Table B</u> <u>75-15-0</u>	<u>NA</u>	<u>INCIN</u>	Carbon disulfide



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P023	107-20-0	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Chloroacetalde hyde	P043	55-91-4	CARBN; or INCIN	FSUBS; or INCIN	Diisopropyl- fluoro- phosphate (DFP)
P026	5344-82-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	1-(o-Chloro- phenyl)thio- urea	P044	60-51-5	CARBN; or INCIN	FSUBS; or INCIN	Dimethoate
P027	542-76-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	3-Chloro- propionitrile	P045	39196-18-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Thiofanox
P028	100-44-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Benzyl chloride	P046	122-09-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	alpha, alpha- Dimethylphen- ethylamine
P031	460-19-5	CHOXD; WETOX; or INCIN	CHOXD; WETOX; or INCIN	Cyanogen	P047	534-52-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	4,6-Dinitro- o-cresol salts
P033	506-77-4	CHOXD; WETOX; or INCIN	CHOXD; WETOX; or INCIN	Cyanogen chloride	P049	541-53-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	2,4-Dithio- biuret
P034	131-89-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	2-Cyclohexyl- 4,6-dinitro- phenol	P054	151-56-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Aziridine
P040	297-97-2	CARBN; or INCIN	FSUBS; or INCIN	O,O-Diethyl O- pyrazinyl phosphoro- thioate	P056	7782-41-4	NA	ADGAS fb NEUTR	Fluorine
P041	311-45-5	CARBN; or INCIN	FSUBS; or INCIN	Diethyl-p- nitrophenyl phosphate	P057	640-19-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Fluoro- acetamide
P042	51-43-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Epinephrine	P058	62-74-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Fluoroacetic acid, sodium salt
					P062	757-58-4	CARBN; or INCIN	FSUBS or INCIN	Hexaethyl- tetraphosphate

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P064	624-83-9	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Isocyanic acid, ethyl ester	
P065	Tables A & B 628-86-4	NA	RMERC	Mercury fulminate; (High Mercury Subcategory-- greater than or equal to 260 mg/kg total Mercury-- either incinerator residues or residues from RMERC)	
P066	16752-77-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Mercury fulminate; (All non- wastewaters that are not incinerator residues from RMERC; regardless of Mercury Content)	
P067	75-55-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	2-Methyl- aziridine	
P068	60-34-4	CHOXD; CHRED; CARBN; BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	Methyl hydrazine	

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P069	75-86-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Methyl-lacto- nitrile	
P070	116-06-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Aldicarb	
P072	86-88-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	1-Naphthyl-2- thiourea	
P075	54-11-5*	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Nicotine and salts	
P076	10102-43-9	ADGAS	ADGAS	Nitric oxide	
P078	10102-44-0	ADGAS	ADGAS	Nitrogen dioxide	
P081	55-63-0	CHOXD; CHRED; CARBN; BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	Nitroglycerin	
P082	65-75-9	NA	INCIN	N-Nitrosodi- methylamine	
P084	4549-40-0	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Nitroso- methylvinyl- amine	
P085	152-16-9	CARBEN; or INCIN	FSUBS; or INCIN	Octamethyl- pyrophosphor- amide	
P087	20816-12-0	NA	RMETL; or RTHRM	Osmium tetroxide	



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P088	145-73-3	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN
P092	Tables A & B 62-38-4	NA	RMERC
		Endothall	
		Phenyl mercury acetate: (High Mercury Subcategory-- greater than or equal to 260 mg/kg total Mercury-- either incinerator residues or residues from RMERC)	
P092	Tables A & B 62-38-4	NA	IMERC; or RMERC
		Phenyl mercury acetate: (All nonwastewaters that are not incinerator residues and are not residues from RMERC:-- Mercury Content)	
P093	103-85-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
P095	75-44-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
P096	7803-51-2	CHOXD; CHRED; or INCIN	CHOXD; CHRED; or INCIN
P102	107-19-7	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN
P105	26628-22-8	CHOXD; CHRED; CARBN BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN
P108	57-24-9*	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
P109	3689-24-5	CARBN; or INCIN	FSUBS; or INCIN
P112	509-14-8	CHOXD; CHRED; CARBN; BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN
P113	1314-32-5	NA	RTHRM; or STABL
P115	7446-18-6	NA	RTHRM; or STABL
P116	79-19-6	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
P118	75-70-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
P119	7803-55-6	NA	STABL
P120	1314-62-1	NA	STABL
		Propargyl alcohol	
		Sodium azide	
		Strychnine and salts	
		Tetraethylthiopyrophosphate	
		Tetranitromethane	
		Thallic oxide	
		Thallium (I) sulfate	
		Thiosemicarbazide	
		Trichloromethanethiol	
		Ammonium vanadate	
		Vanadium pentoxide	

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P122	1314-84-7	CHOXD; CHRED; or INCIN	CHOXD; CHRED; or INCIN	Zinc Phosphide (<10%)	U016	225-51-4	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	Benz(c)-acridine
U001	75-07-0	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	Acetaldehyde	U017	98-87-3	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Benzal chloride
U003	Table B	NA	INCIN	Acetonitrile	U020	98-09-9	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Benzene-sulfonyl chloride
U006	75-36-5	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Acetyl chloride	U021	92-87-5	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Benzidine
U007	79-06-1	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Acrylamide	U023	98-07-7	CHOXD; CHRED; CAREN; BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	Benzotri-chloride
U008	79-10-7	(WETOX or CHOXD) fb CAREN; or INCIN	FSUBS; or INCIN	Acrylic acid	U026	494-03-1	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Chlornaphazin
U010	50-07-7	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Mitomycin C	U033	353-50-4	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Carbonyl fluoride
U011	61-82-5	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Amitrole	U034	75-87-6	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Trichloroacet-aldehyde (Chloral)
U014	492-80-8	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Auramine	U035	305-03-3	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Chlorambucil
U015	115-02-6	(WETOX or CHOXD) fb CAREN; or INCIN	INCIN	Azaserine	U038	Table B	NA	INCIN	Chloro-benzilate



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U041	106-89-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	1-Chloro-2,3- epoxypropane (Epichloro- hydrin)
U042	Table B	NA	INCIN	2-Chloroethyl vinyl ether
U046	107-30-2	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Chloromethyl methyl ether
U049	3165-93-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	4-Chloro-o- toluidine hydrochloride
U053	4170-30-3	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Crotonaldehyde
U055	98-82-8	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Cumene
U056	110-82-7	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Cyclohexane
U057	Table B	NA	FSUBS; or INCIN	Cyclohexanone
U058	50-18-0	CARBN; or INCIN	FSUBS; or INCIN	Cyclophosph- amide
U059	20830-81-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Daunomycin

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U062	2303-16-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Diallate
U064	189-55-9	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	1,2,7,8-Di- benzopyrene
U073	91-94-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	3,3'-Dichloro- benzidine
U074	1476-11-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	cis-1,4-Di- chloro-2- butene; trans- 1,4-Dichloro- 2-butene
U085	1464-53-5	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	1,2:3,4-Di- epoxybutane
U086	1615-80-1	CHOXD; CHRED; CARBN BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	N,N-Diethyl- hydrazine
U087	3288-58-2	CARBN; or INCIN	FSUBS; or INCIN	O,O-Diethyl S- methylidithio- phosphate
U089	56-53-1	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Diethyl stilbestrol
U090	94-58-6	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Dihydrosafrole

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U091	119-90-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	3,3'-Di- methoxy- benzidine
U092	124-40-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Dimethylamine
U093	Table B 621-90-9	NA	INCIN	p-Dimethyl- aminoazo- benzene
U094	57-97-6	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	7,12-Dimethyl- benz(a)- anthracene
U095	119-93-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	3,3'-Dimethyl- benzidine
U096	80-15-9	CHOXD; CHRED; CARBN BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	alpha, alpha- Dimethyl- benzyl hydro- peroxide
U097	79-44-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Dimethyl- carbamoyl chloride
U098	57-14-7	CHOXD; CHRED; CARBN; BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	1,1- Dimethylhydraz- ine
U099	540-73-8	CHOXD; CHRED; CARBN; BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	1,2-Dimethyl- hydrazine

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U103	77-78-1	CHOXD; CHRED; CARBN; BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	Dimethyl sulfate
U109	122-66-7	CHOXD; CHRED; CARBN; BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	1,2-Diphenyl- hydrazine
U110	142-84-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Dipropylamine
U113	140-88-5	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Ethyl acrylate
U114	111-54-6	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Ethylenebis- dithiocarbamic acid
U115	75-21-8	(WETOX or CHOXD) fb CARBN; or INCIN	CHOXD; or INCIN	Ethylene oxide
U116	96-45-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Ethylene thio- urea
U119	62-50-0	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Ethyl methane- sulfonate
U122	50-00-0	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Formaldehyde



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U123	64-18-6	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Formic acid	U148	123-33-1	(WETOX or CHOXD) fb CARBN; or INCIN	Maleic hydrazide
U124	110-00-9	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Furan	U149	109-77-3	(WETOX or CHOXD) fb CARBN; or INCIN	Malononitrile
U125	98-01-1	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Furfural	U150	148-82-3	(WETOX or CHOXD) fb CARBN; or INCIN	Melphalan
U126	765-34-4	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Glycidialdehyde	U151	Tables A & B 7439-97-6	NA	Mercury: (High Mercury Subcategory-- greater than or equal to 260 mg/kg total Mercury)
U132	70-30-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Hexachloro- phenol	U153	74-93-1	(WETOX or CHOXD) fb CARBN; or INCIN	Methanethiol
U133	302-01-2	CHOXD; CARBN CHRED; or BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	Hydrazine	U154	67-56-1	(WETOX or CHOXD) fb CARBN; or INCIN	Methanol
U134	Table B 7664-39-3	NA	ADGAS fb NEUTR; or NEUTR	Hydrogen Fluoride	U156	79-22-1	(WETOX or CHOXD) fb CARBN; or INCIN	Methyl chloro- carbonate
U135	7783-06-4	CHOXD; or CHRED; or INCIN	CHOXD; CHRED; or INCIN	Hydrogen Sulfide	U160	1338-23-4	CHOXD; CHRED; CARBN BIODG; or INCIN	Methyl ethyl ketone peroxide
U143	303-34-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Lasiocarpine	U163	70-25-7	(WETOX or CHOXD) fb CARBN; or INCIN	N-Methyl-N'- nitro-N- Nitroso- guanidine
U147	108-31-6	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Maleic anhydride				

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U148	123-33-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Maleic hydrazide
U149	109-77-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Malononitrile
U150	148-82-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Melphalan
U151	Tables A & B 7439-97-6	NA	RMERC	Mercury: (High Mercury Subcategory-- greater than or equal to 260 mg/kg total Mercury)
U153	74-93-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Methanethiol
U154	67-56-1	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Methanol
U156	79-22-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Methyl chloro- carbonate
U160	1338-23-4	CHOXD; CHRED; CARBN BIODG; or INCIN	FSUBS; CHOXD; CHRED; or INCIN	Methyl ethyl ketone peroxide
U163	70-25-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Methyl-N'- nitro-N- Nitroso- guanidine

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U164	56-04-2	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Methylthio- uracil	U184	76-01-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Pentachloro- ethane
U166	130-15-4	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	1,4-Naphtho- quinone	U186	504-60-9	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	1,3-Pentadiene
U167	134-32-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	1-Naphthyl- amine	U189	1314-80-3	CHOXD; CHRED; or INCIN	CHOXD; CHRED; or INCIN	Phosphorus sulfide
U168	91-59-8	NA	INCIN	2-Naphthyl- amine	U191	109-06-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	2-Picoline
U171	79-46-9	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	2-Nitropropane	U193	1120-71-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	1,3-Propane sultone
U173	1116-54-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Nitroso-di- ethanolamine	U194	107-10-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	n-Propylamine
U176	759-73-9	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Nitroso-N- ethylurea	U197	106-51-4	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	p-Benzoinone
U177	684-93-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Nitroso-N- methylurea	U200	50-55-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Reserpine
U178	615-53-2	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	N-Nitroso-N- methylurethane	U201	108-46-3	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Resorcinol
U182	123-63-7	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Paraldehyde	U202	81-07-2*	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Saccharin and salts

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U206	18883-66-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Streptozotocin
U213	109-99-9	(WETOX or CHOXD) fb CARBN; or INCIN	FSUBS; or INCIN	Tetrahydro- furan
U214	563-68-8	NA	RTHRM; or STABL	Thallium (I) acetate
U215	6533-73-9	NA	RTHRM; or STABL	Thallium (I) carbonate
U216	7791-12-0	NA	RTHRM; or STABL	Thallium (I) chloride
U217	10102-45-1	NA	RTHRM; or STABL	Thallium (I) nitrate
U218	62-55-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Thioacetamide
U219	62-56-6	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	Thiourea
U221	25376-45-8	CARBEN; or INCIN	FSUBS; or INCIN	Toluenediamine
U222	636-21-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	o-Toluidine hydrochloride
U223	26471-62-5	CARBEN; or INCIN	FSUBS; or INCIN	Toluene diiso- cyanate
U234	99-35-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN	sym-Trinitro- benzene

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is specified in this Table by indicating the five letter technology code that must be applied first, then the designation "fb" (an abbreviation for "Followed by"), then the five letter technology code for the technology that must be applied next, and so on. When more than one technology (or treatment train) are specified a alternative treatment standards, the five letter technology codes (or the treatment trains) are separated by a semicolon (,) with the last technology preceded by the word "or". This indicates that any one of these BPAAT technologies or treatment trains can be used for compliance with the standard. See Section 728. Table C for a listing of the technology codes and technology-based treatment standards. Derived from 40 CFR 268.42, Table 2, as adopted at 54 Fed. Reg. 22694, June 1, 1990.

(Source: Added at 15 Ill. Reg. , effective )

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## Section 728. Table E Standards for Radioactive Mixed Waste

WASTE CODES	CAS NO.	TECHNOLOGY CODE	WASTE DESCRIPTIONS AND/OR TREATMENT SUBCATEGORY
		NON- WASTEWATERS	
D002	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods Subcategory
D004	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods Subcategory
D005	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods Subcategory
D006	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods Subcategory
D007	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods Subcategory
D008	7439-92-1	MACRO	Radioactive Lead Solids Subcategory (Note: these lead solids include, but are not limited to, all forms of lead shielding, and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash.)
D008	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods Subcategory
D009	7439-97-6	AMLM	Elemental mercury contaminated with radioactive materials



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D009	7439-97-6	NA	INCIN	Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory
D009	NA	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods Subcategory
D010	NA	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods Subcategory
D011	NA	NA	HLVIT	Radioactive High Level Wastes Generated During the Reprocessing of Fuel Rods Subcategory
U151	7439-97-6	NA	AMLGM	Mercury: Elemental mercury contaminated with radioactive materials

NA--Not Applicable.

(Source: Added at 15 Ill. Reg. , effective )

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- 1) Heading of the Part: RCRA PERMIT PROGRAM
- 2) Code Citation: 35 Ill. Adm. Code 703
- 3) Section Numbers: Proposed Action:  
703.183 Amendment  
703.210 New Section  
703.211 New Section  
703.Appendix A Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.4 and 1027.
- 5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R90-11, on December 20, 1990. A copy of the Proposed Opinion is available at the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par 1022.4(a)) requires the Board to adopt regulations which are identical in substance to regulations promulgated by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found in 40 CFR 260 through 270. The equivalent Board regulations are found in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments during the period April 1 through June 30, 1990.

The amendments to Part 703 add cross references and application requirements related to the process vent and equipment leak rules in 35 Ill. Adm. Code 724.Subparts AA and BB. The amendment to Appendix A relates to permit modifications for F039 wastes, which have been listed in connection with the "third third" land disposal restrictions, in 35 Ill. Adm. Code 721 and 728.

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- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-11 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 14, 1990.

- B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which treat, store or dispose of hazardous waste. The amendments affect small businesses which have hazardous waste management units with process vents or equipment leaks. In addition, the amendments add F039, a listing for leachate from mixed hazardous wastes.

- C) Reporting, bookkeeping or other procedures required for compliance:

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The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analysis and maintenance of operating records. This rulemaking involves the Part B RCRA permit application. Extensive additional information must be provided concerning process vents and equipment leaks.

The rulemaking also allows the simplified class 1 permit modification procedures to be used to establish sampling and analytical methods for the new F039 waste.

- D) Types of professional skills required for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendments begins on the next page:



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## SUBTITLE G: WASTE DISPOSAL

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## SUBCHAPTER b: PERMITS

## PART 703

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## 703.283 Class 3 Modifications

## Appendix A Classification of Permit Modifications

**AUTHORITY:** Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. III 1/2, pars. 1022.4 and 1027).

**SOURCE:** Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1987; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. , effective

## SUBPART D: APPLICATIONS

## Section 703.183 General Information

The following information is required in the Part B application for all HWM facilities, except as 35 Ill. Adm. Code 724.101 provides otherwise:

- a) A general description of the facility;
- b) Chemical and physical analyses of the hazardous wastes to be handled at the facility. At a minimum, these analyses must contain all the information which must be known to treat, store or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724;
- c) A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);
- d) A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;

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- e) A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b). Include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), 724.295, 724.326, 724.354, 724.373, 724.403, and 724.702, 724.933, 724.952, 924.953 and 724.958;

- f) A justification of any request for a waiver of the preparedness and prevention requirements of 35 Ill. Adm. Code 724.Subpart C;

- g) A copy of the contingency plan required by 35 Ill. Adm. Code 724.Subpart D;

**BOARD NOTE:** Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.327 and 724.355. 35 Ill. Adm. Code 724.355 has not yet been adopted.

- h) A description of procedures, structures or equipment used at the facility to:

- 1) Prevent hazards in unloading operations (for example, ramps, special forklifts);
- 2) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);
- 3) Prevent contamination of water supplies;
- 4) Mitigate effects of equipment failure and power outages; and
- 5) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and
- 6) Prevent releases to the atmosphere.

- i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive or incompatible wastes as required to demonstrate compliance with 35 Ill. Adm. Code 724.117 including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);

- j) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes and stacking lanes (if appropriate); describe access road surfacing and load bearing capacity; show traffic control signals);

- k) Facility location information as required by Section 703.184;



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- 1) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the HWM facility in a safe manner as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);
- m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212, 724.218 and 724.297. Include where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, 724.701 and 724.703;
- n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm. Code 724.219 have been filed;
- o) The most recent closure cost estimate for the facility prepared in accordance with 35 Ill. Adm. Code 724.242 and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B;
- p) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with 35 Ill. Adm. Code 724.244 plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245; For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B;
- q) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b), that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage or disposal. A request for an alternative level of required coverage, for a new or existing facility, may be submitted as specified in 35 Ill. Adm. Code 724.247(c);
- s) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map.

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The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM facilities located in mountainous areas shall use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:

- 1) Map scale and date;
  - 2) 100-year floodplain area;
  - 3) Surface waters including intermittent streams;
  - 4) Surrounding land uses (residential, commercial, agricultural, recreational);
  - 5) A wind rose (i.e., prevailing windspeed and direction);
  - 6) Orientation of the map (north arrow);
  - 7) Legal boundaries of the HWM facility site;
  - 8) Access control (fences, gates);
  - 9) Injection and withdrawal wells both on-site and off-site;
  - 10) Buildings; treatment, storage or disposal operations; or other structures (recreation areas, runoff control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.);
  - 11) Barriers for drainage or flood control;
  - 12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored or disposed (include equipment cleanup areas);
- BOARD NOTE: For large HWM facilities, the Agency shall allow the use of other scales on a case by case basis.
- t) Applicants shall submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued.



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- u) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Adm. Code 728.105, or if a petition has been approved under 35 Ill. Adm. Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required.

BOARD NOTE: Derived from 40 CFR 270.14(b) (1988), as amended at 54 Fed. Reg. 617, January 9, 1989.

(Source: Amended at 15 Ill. Reg. , effective )

## Section 703.210 Process Vents

Except as otherwise provided in 35 Ill. Adm. Code 724.101, owners and operators of facilities which have process vents to which 35 Ill. Adm. Code 724.Subpart AA applies shall provide the following additional information:

- a) For facilities which cannot install a closed-vent system and control device to comply with 35 Ill. Adm. Code 724.Subpart AA, on the effective date on which the facility becomes subject to that Subpart or 35 Ill. Adm. Code 725.Subpart AA, an implementation schedule as specified in 35 Ill. Adm. Code 724.933(a)(2).

- b) Documentation of compliance with the process vent standards in 35 Ill. Adm. Code 724.932, including:

- 1) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for the affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility) and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan).

- 2) Information and data supporting estimates of vent emissions and emission reduction achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, estimates of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates or concentrations) which represent the conditions which exist when the waste management unit is operating at the highest load or capacity level reasonably expected to occur.

- 3) Information and data used to determine whether or not a process vent is subject to 35 Ill. Adm. Code 724.932.

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- c) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser or carbon adsorption system to comply with 35 Ill. Adm. Code 724.932, and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 35 Ill. Adm. Code 724.935(b)(3).

- d) Documentation of compliance with 35 Ill. Adm. Code 724.933, including:

- 1) A list of all information references and sources used in preparing the documentation.
- 2) Records including the dates of each compliance test required by 35 Ill. Adm. Code 724.933(k).
- 3) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of API Course 415, incorporated by reference in 35 Ill. Adm. Code 720.111, or other engineering texts approved by the Agency which present basic control device design information. The design analysis must address the vent stream characteristics and control device parameters as specified in 35 Ill. Adm. Code 724.935(b)(4)(C).

- 4) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions which exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.

- 5) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater unless the total organic emission limits of 35 Ill. Adm. Code 724.932(a) for affected process vents at the facility can be attained by a control device involving vapor recovery at an efficiency less than 95 weight percent.

(Source: Added at 15 Ill. Reg. , effective )



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compliance with 35 Ill. Adm. Code 724.960m must include the following information:

- 1) A list of all information references and sources used in preparing the documentation.
- 2) Records including the dates of each compliance test required by 35 Ill. Adm. Code 724.933(i).
- 3) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of APTI Course 415, incorporated by reference in 35 Ill. Adm. Code 720.111, or other engineering texts approved by the Agency which present basic control device design information. The design analysis must address the vent stream characteristics and control device parameters as specified in 35 Ill. Adm. Code 724.935(b)(4)(C).
- 4) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions which exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.
- 5) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater.

(Source: Added at 15 Ill. Reg. , effective )

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Section 703.211 Equipment

Except as otherwise provided in 35 Ill. Adm. Code 724.101, owners and operators of facilities which have equipment to which 35 Ill. Adm. Code 724.Subpart BB applies shall provide the following additional information:

- a) For each piece of equipment to which 35 Ill. Adm. Code 724.Subpart BB applies:

- 1) Equipment identification number and hazardous waste management unit identification.
- 2) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).
- 3) Type of equipment (e.g., a pump or pipeline valve).
- 4) Percent by weight total organics in the hazardous wastestream at the equipment.
- 5) Hazardous waste state at the equipment (e.g., gas/vapor or liquid).
- 6) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").
- b) For facilities which cannot install a closed-vent system and control device to comply with 35 Ill. Adm. Code 724.Subpart BB on the effective date that facility becomes subject to this Subpart or 35 Ill. Adm. Code 724.Subpart BB, an implementation schedule as specified in 35 Ill. Adm. Code 724.933(a)(2).
- c) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser or carbon adsorption system and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 35 Ill. Adm. Code 724.935(b)(3).

- d) Documentation which demonstrates compliance with the equipment standards in 35 Ill. Adm. Code 724.952 or 724.959. this documentation must contain the records required under 35 Ill. Adm. Code 724.964. The Agency shall request further documentation if necessary to demonstrate compliance. Documentation to demonstrate



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## Section 703. Appendix A Classification of Permit Modifications

## Class Modifications

## A. General Permit Provisions

- 1 1. Administrative and informational changes.
- 1 2. Correction of typographical errors.
- 1 3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).
4. Changes in the frequency of or procedures for monitoring, reporting, sampling or maintenance activities by the permittee:
- 1 a. To provide for more frequent monitoring, reporting or maintenance.
- 2 b. Other changes.
5. Schedule of compliance:
- 1\* a. Changes in interim compliance dates, with prior approval of the Agency.

BOARD NOTE: "\*" indicates that prior Agency approval is required.

- 3 b. Extension of final compliance date.

- 1\* 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.

- 1\* 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.

## B. General Facility Standards

1. Changes to waste sampling or analysis methods:
- 1 a. To conform with Agency guidance or Board regulations.
- 1 b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.

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- 2 g. Other changes.
2. Changes to analytical quality assurance/control plan:

- 1 a. To conform with agency guidance or regulations.
- 2 b. Other changes.
- 1 3. Changes in procedures for maintaining the operating record.
- 2 4. Changes in frequency or content of inspection schedules.
5. Changes in the training plan:
- 2 a. That affect the type or decrease the amount of training given to employees.
- 1 b. Other changes.
6. Contingency plan:

- 2 a. Changes in emergency procedures (i.e., spill or release response procedures).

- 1 b. Replacement with functionally equivalent equipment, upgrade or relocate emergency equipment listed.

- 2 c. Removal of equipment from emergency equipment list.

- 1 d. Changes in name, address or phone number of coordinators or other persons or agencies identified in the plan.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.

## C. Groundwater Protection

1. Changes to wells:
- 2 a. Changes in the number, location, depth or design of upgradient or downgradient wells of permitted groundwater monitoring system.



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- 1 b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design or depth of the well.
- 1\* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.
- 1\* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.
- 2\* 4. Changes in point of compliance.
5. Changes in indicator parameters, hazardous constituents or concentration limits (including ACLs (Alternate Concentration Limits)):
- 3 a. As specified in the groundwater protection standard.
- 2 b. As specified in the detection monitoring program.
- 2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.
7. Compliance monitoring program:
- 3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.
- 2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.
8. Corrective action program:
- 3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.
- 2 b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.
- D. Closure
  1. Changes to the closure plan:

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- 1\* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
- 1\* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.
- 1\* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
- 1\* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.
- 2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
- 2 f. Extension of the closure period to allow a landfill, surface impoundment or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).
- 3 2. Creation of a new landfill unit as part of closure.
- 3 3. Addition of the following new units to be used temporarily for closure activities:
  - a. Surface impoundments.
  - b. Incinerators.
  - c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).
  - d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c).
  - e. Tanks or containers (other than specified below).
  - f. Tanks used for neutralization, dewatering, phase separation or component separation, with prior approval of the Agency.

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## E. Post-Closure

1. Changes in name, address or phone number of contact in post-closure plan.
2. Extension of post-closure care period.
3. Reduction in the post-closure care period.
4. Changes to the expected year of final closure, where other permit conditions are not changed.
5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.

## F. Containers

## 1. Modification or addition of container units:

- a. Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
- b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).

- c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

2.

- a. Modification of a container unit without increasing the capacity of the unit.
- b. Addition of a roof to a container unit without alteration of the containment system.

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3. Storage of different wastes in containers, except as provided in F(4):

- a. That require additional or different management practices from those authorized in the permit.
- b. That do not require additional or different management practices from those authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

4. Storage or treatment of different wastes in containers:

- a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

## G. Tanks

1.

- a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d) and G(1)(e).



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- 2 b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).
- 2 c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.
- 1\* d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.
- 1 e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 2 2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.
- 1 3. Replacement of a tank with a tank that meets the same design standards and has a capacity within +/- 10% of the replaced tank provided:
  - a. The capacity difference is no more than 1500 gallons,
  - b. The facility's permitted tank capacity is not increased and
  - c. The replacement tank meets the same conditions in the permit.
- 2 4. Modification of a tank management practice.
5. Management of different wastes in tanks:

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- 3 a. That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).
  - 2 b. That do not require additional or different management practices, tank design, different fire protection specification or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
- 1 c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
  - 1 d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- H. Surface Impoundments
- 3 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.
  - 3 2. Replacement of a surface impoundment unit.
  - 2 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or



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treatment capacity and without modifying the unit's liner, leak detection system or leachate collection system.

- 2 4. Modification of a surface impoundment management practice.
5. Treatment, storage or disposal of different wastes in surface impoundments:
  - a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
  - b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- I. Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are

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applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).

1. Modification or addition of waste pile units:
  - a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity.
  - b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity.
2. Modification of waste pile unit without increasing the capacity of the unit.
3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.
4. Modification of a waste pile management practice.
5. Storage or treatment of different wastes in waste piles:
  - a. That require additional or different management practices or different design of the unit.
  - b. That do not require additional or different management practices or different design of the unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

## J. Landfills and Unenclosed Waste Piles

- 3 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.
- 3 2. Replacement of a landfill.
- 3 3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control or final cover system.
- 2 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control or final cover system.
- 2 5. Modification of a landfill management practice.



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## 6. Landfill different wastes:

- 3 a. That require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.
- 2 b. That do not require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

## K. Land Treatment

- 3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.
- 2 2. Modification of run-on control system.
- 3 3. Modify run-off control system.

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- 2 4. Other modification of land treatment unit component specifications or standards required in permit.
- 3 5. Management of different wastes in land treatment units:
  - a. That require a change in permit operating conditions or unit design specifications.
  - 2 b. That do not require a change in permit operating conditions or unit design specifications.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

6. Modification of a land treatment unit management practice to:
  - 3 a. Increase rate or change method of waste application.
  - 1 b. Decrease rate of waste application.
  - 2 7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.
  - 3 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.
  - 3 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).
  - 3 10. Changes in the unsaturated zone monitoring system resulting in a change to the location, depth, number of sampling points or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.
  - 2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.



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- 2 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.
- 2 13. Changes in sampling, analysis or statistical procedure.
- 2 14. Changes in land treatment demonstration program prior to or during the demonstration.
- 1\* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.
- 1\* 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.
- 3 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.
- 2 18. Changes in vegetative cover requirements for closure.
- L. Incinerators
- 3 1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a waste feed rate limit or an organic chlorine feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 2 2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a waste feed limit or an organic chlorine feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

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- 3 3. Modification of an incinerator unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl or particulates from the combustion gases or by changing other features of the incinerator that could affect its capability to meet the regulatory performance standards. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
- 2 4. Modification of an incinerator unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.
5. Operating requirements:
  - 3 a. Modification of the limits specified in the permit for minimum combustion gas temperature, minimum combustion gas residence time or oxygen concentration in the secondary combustion chamber. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
  - 3 b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.
  - 2 c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.
  6. Incineration of different wastes:
    - 3 a. If the waste contains a POHC that is more difficult to incinerate than authorized by the permit or if incineration of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.



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- b. If the waste does not contain a POHC that is more difficult to incinerate than authorized by the permit and if incineration of the waste does not require compliance with different regulatory performance standards than specified in the permit.

BOARD NOTE: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

7. Shakedown and trial burn:

- a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.
- b. Authorization of up to an additional 720 hours of waste incineration during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.
- c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.
- d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.

1. Substitution of an alternate type of fuel that is not specified in the permit.

BOARD NOTE: Derived from 40 CFR 270.42, Appendix I, as adopted at 53 Fed. Reg. 37934, September 28, 1988 (1990).

(Source: Amended at 15 Ill. Reg. , effective )

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- 1) Heading of the Part: STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

- 2) Code Citation: 35 Ill. Adm. Code 722

- 3) Section Numbers: Proposed Action:

722.111 Amendment  
722.134 Amendment

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.4 and 1027.

- 5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R90-11, on December 20, 1990. A copy of the Proposed Opinion is available at the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par 1022.4(a)) requires the Board to adopt regulations which are identical in substance to regulations promulgated by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found in 40 CFR 260 through 270. The equivalent Board regulations are found in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments during the period April 1 through June 30, 1990. The amendments to Part 722 are summarized as follows:

Section Summary

722.111 Generator must check for hazardous characteristics even if a waste has an F, K, U or P listing.

722.134 Generators storing wastes must perform certain analyses under 35 Ill. Adm. Code 728.107

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Will these proposed amendments replace an emergency rule currently in effect? No.

Does this rulemaking contain an automatic repeal date? No.

Do these proposed amendments contain incorporations by reference? No.

Are there any other amendments pending on this Part? No.

Statement of Statewide Policy Objectives:

- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives:
- This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-11 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 14, 1990.
- B) Types of small businesses affected:
- The existing rules and proposed amendments affect small businesses which generate hazardous waste.
- C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analysis and maintenance of operating records. This rulemaking changes the

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method of reporting hazardous waste which is both listed and exhibits a hazardous characteristic. The amendments also require generators storing certain wastes to perform analyses on the waste.

D) Types of professional skills required for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. The amendments will require generators to perform additional waste analysis. Those who generate listed waste must now go on to analyze the waste for characteristics, even though it is hazardous by definition. And, some tests formerly performed by TSD facilities must be performed by generators.

The full text of the Proposed Amendments begins on the next page.



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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 722

## STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

## SUBPART A: GENERAL

Purpose, Scope and Applicability  
Hazardous Waste Determination  
USEPA Identification Numbers

## SUBPART B: THE MANIFEST

General Requirements  
Acquisition of Manifests  
Number of Copies  
Use of the Manifest

## SUBPART C: PRE-TRANSPORT REQUIREMENTS

Packaging  
Labeling  
Marking  
Placarding  
Accumulation Time

## SUBPART D: RECORDKEEPING AND REPORTING

Recordkeeping  
Annual Reporting  
Exception Reporting  
Additional Reporting  
Special Requirements for Generators of between 100 and 1000 kilograms per month

## SUBPART E: EXPORTS OF HAZARDOUS WASTE

Applicability  
Definitions  
General Requirements  
Notification of Intent to Export  
Special Manifest Requirements  
Exception Report  
Annual Reports  
Recordkeeping

Section  
722.110  
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## SUBPART F: IMPORTS OF HAZARDOUS WASTE

## Imports of Hazardous Waste

## SUBPART G: FARMERS

Section  
722.170

## Appendix A Hazardous Waste Manifest

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. , effective

## SUBPART A: GENERAL

## Section 722.111 Hazardous Waste Determination

A person who generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, shall determine if that waste is a hazardous waste using the following method:

a) The person should first determine if the waste is excluded from regulation under 35 Ill. Adm. Code 721.104.

b) The person should then determine if the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721.Subpart D.

(Board Note: Even if a waste is listed, the generator still has an opportunity under 35 Ill. Adm. Code 720.122 and 40 CFR 260.22 (1986) to demonstrate that the waste from the generator's particular facility or operation is not a hazardous waste.



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c) For purposes of compliance with 35 Ill. Adm. Code 728, or ~~if~~ the waste is not listed as a hazardous waste in 35 Ill. Adm. Code 721.Subpart D, the generator ~~should~~ shall then determine whether the waste is identified in 35 Ill. Adm. Code 721.Subpart C by either:

- 1) Testing the waste according to the methods set forth in 35 Ill. Adm. Code 721.Subpart C, or according to an equivalent method approved by the Board under 35 Ill. Adm. Code 720.120; or
- 2) Applying knowledge of the hazard characteristic of the waste in light of the materials or processes used.
- d) If the generator determines that the waste is hazardous, the generator shall refer to 35 Ill. Adm. Code 724, 725 and 728 for possible exclusions or restrictions pertaining to the management of the specific waste.

(Source: Amended at 15 Ill. Reg. , effective )

## SUBPART C: PRE-TRANSPORT REQUIREMENTS

## Section 722.134 Accumulation Time

- a) Except as provided in subsections (d), (e) or (f), a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that:
  - 1) The waste is placed in containers and the generator complies with 35 Ill. Adm. Code 725.Subpart I or the waste is placed in tanks and the generator complies with 35 Ill. Adm. Code 725.Subpart J except 35 Ill. Adm. Code 725.297(c) and 725.300. In addition, such a generator is exempt from all the requirements in 35 Ill. Adm. Code 725.Subparts G and H, except for 35 Ill. Adm. Code 725.211 and 725.214;
  - 2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
  - 3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste", and
  - 4) The generator complies with the requirements for owners or operators in 35 Ill. Adm. Code 725.Subparts C and D, and with 35 Ill. Adm. Code 725.116 and 728.107(a)(4).

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b) A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703 and 705 unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Section 37 of the Environmental Protection Act.

c) Accumulation near point of generation.

- 1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) provided the generator:
  - A) Complies with 35 Ill. Adm. Code 725.271, 725.272 and 725.273(a); and
  - B) marks the generator's containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.
- 2) A generator who accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in excess of the amounts listed in subsection (c)(1) at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a) or other applicable provisions of this chapter. During the three day period the generator must continue to comply with subsection (c)(1). The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.
- d) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that:



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- 1) The quantity of waste accumulated on-site never exceeds 6000 kilograms;
- 2) The generator complies with the requirements of 35 Ill. Adm. Code 725.Subpart I, except the generator need not comply with 35 Ill. Adm. Code 725.276;
- 3) The generator complies with the requirements of 35 Ill. Adm. Code 725.301;
- 4) The generator complies with the requirements of subsections (a)(2) and (a)(3) and the requirements of 35 Ill. Adm. Code 725.Subpart C; and
- 5) The generator complies with the following requirements:
  - A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d)(4)(D). The employee is the emergency coordinator.
  - B) The generator shall post the following information next to the telephone:
    - i) The name and telephone number of the emergency coordinator;
    - ii) Location of fire extinguishers and spill control material, and if present, fire alarm; and
    - iii) The telephone number of the fire department, unless the facility has a direct alarm.
  - C) The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;
  - D) The emergency coordinator or designee shall respond to any emergencies that arise. The applicable responses are as follows:

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- i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
- ii) In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;
- iii) In the event of a fire, explosion or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator shall immediately notify the National Response Center (using its 24-hour toll free number 800/424-8802). The report must include the following information: the name, address and USEPA identification number (35 Ill. Adm. Code 722.112) of the generator; date, time and type of incident (e.g., spill or fire); quantity and type of hazardous waste involved in the incident; extent of injuries, if any; and, estimated quantity and disposition of recoverable materials, if any.
- e) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who must transport the waste, or offer the waste for transportation, over a distance of 200 miles or more for off-site treatment, storage or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status provided that the generator complies with the requirements of subsection (d).
- f) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste, or offer the waste for transportation, over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 703 unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of

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variance or provisional variance pursuant to Section 37 of the  
Environmental Protection Act.

(Source: Amended at 15 Ill. Reg. , effective )

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1) Heading of the Part: STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS  
WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

2) Code Citation: 35 Ill. Adm. Code 724

3) Section Numbers: Proposed Action:

724.113	Amendment
724.115	Amendment
724.173	Amendment
724.177	Amendment
724.321	Amendment
724.329	Amendment
724.356	Amendment
724.381	Amendment
724.401	Amendment
724.412	Amendment
724.416	Amendment
724.930	New Section
724.931	New Section
724.932	New Section
724.933	New Section
724.934	New Section
724.935	New Section
724.936	New Section
724.950	New Section
724.951	New Section
724.952	New Section
724.953	New Section
724.954	New Section
724.955	New Section
724.956	New Section
724.957	New Section
724.958	New Section
724.959	New Section
724.960	New Section
724.961	New Section
724.962	New Section
724.963	New Section
724.964	New Section
724.965	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.4  
and 1027.

5) A Complete Description of the Subjects and Issues Involved:



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The Board adopted a Proposed Opinion and Order in this matter, R90-11, on December 20, 1990. A copy of the Proposed Opinion is available at the address below.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-11 and be addressed to:

## Summary

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 111-500  
100 W. Randolph St.  
Chicago, IL 60601

724.113 - 724.177  
References added to process vent and equipment leak standards in 35 Ill. Adm. Code 724.Subparts AA and BB.

724.321  
Changes to the double liner and leachate collection requirements for surface impoundments.

724.329 - 724.381  
References added to the land disposal restrictions in 35 Ill. Adm. Code 728.

724.401  
Changes to the double liner and leachate collection requirements for landfills.

724.412 - 724.416  
References added to the land disposal restrictions in 35 Ill. Adm. Code 728.

Subparts AA and BB  
New rules governing air emissions from process vents and equipment leaks at hazardous waste management facilities.

The existing rules and proposed amendments affect small businesses which treat, store or dispose of hazardous waste. The amendments affect small businesses which have surface impoundments or landfills with double liners and leachate collection, and which have hazardous waste management units with process vents or equipment leaks. The amendments also add additional limitations on the disposal of waste in lab packs.

C) Reporting, bookkeeping or other procedures required for compliance:

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 14, 1990.

B) Types of small businesses affected:

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The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analysis and maintenance of operating records. This rulemaking establishes new bookkeeping, reporting and other procedures for businesses with hazardous waste management units with process vents or equipment leaks.

D) Types of professional skills required for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. The amendments require special expertise in measurement of air pollution from hazardous waste operations.

The full text of the Proposed Amendments begins on the next page:

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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 724

## STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

## SUBPART A: GENERAL PROVISIONS

Purpose, Scope and Applicability  
Relationship to Interim Status Standards

## SUBPART B: GENERAL FACILITY STANDARDS

Section  
724.110 Applicability  
724.111 Identification Number  
724.112 Required Notices  
724.113 General Waste Analysis  
724.114 Security  
724.115 General Inspection Requirements  
724.116 Personnel Training  
724.117 General Requirements for Ignitable, Reactive or Incompatible Wastes  
724.118 Location Standards

## SUBPART C: PREPAREDNESS AND PREVENTION

Section  
724.130 Applicability  
724.131 Design and Operation of Facility  
724.132 Required Equipment  
724.133 Testing and Maintenance of Equipment  
724.134 Access to Communications or Alarm System  
724.135 Required Aisle Space  
724.137 Arrangements with Local Authorities

## SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section  
724.150 Applicability  
724.151 Purpose and Implementation of Contingency Plan  
724.152 Content of Contingency Plan  
724.153 Copies of Contingency Plan  
724.154 Amendment of Contingency Plan  
724.155 Emergency Coordinator  
724.156 Emergency Procedures



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## SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section  
724.170  
724.171  
724.172  
724.173  
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724.175  
724.176  
724.177

Applicability  
Use of Manifest System  
Manifest Discrepancies  
Operating Record  
Availability, Retention and Disposition of Records  
Annual Report  
Unmanifested Waste Report  
Additional Reports

## SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section  
724.190  
724.191  
724.192  
724.193  
724.194  
724.195  
724.196  
724.197  
724.198  
724.199  
724.200  
724.201

Applicability  
Required Programs  
Groundwater Protection Standard  
Hazardous Constituents  
Concentration Limits  
Point of Compliance  
Compliance Period  
General Groundwater Monitoring Requirements  
Detection Monitoring Program  
Compliance Monitoring Program  
Corrective Action Program  
Corrective Action for Solid Waste Management Units

## SUBPART G: CLOSURE AND POST-CLOSURE

Section  
724.210  
724.211  
724.212  
724.213  
724.214  
724.215  
724.216  
724.217  
724.218  
724.219  
724.220

Applicability  
Closure Performance Standard  
Closure Plan; Amendment of Plan  
Closure; Time Allowed For Closure  
Disposal or Decontamination of Equipment, Structures and Soils  
Certification of Closure  
Survey Plat  
Post-closure Care and Use of Property  
Post-closure Plan; Amendment of Plan  
Post-closure Notices  
Certification of Completion of Post-closure Care

## SUBPART H: FINANCIAL REQUIREMENTS

Section  
724.240  
724.241  
724.242  
724.243  
724.244  
724.245

Applicability  
Definitions of Terms As Used In This Subpart  
Cost Estimate for Closure  
Financial Assurance for Closure  
Cost Estimate for Post-closure Care  
Financial Assurance for Post-closure Care

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724.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care  
724.247 Liability Requirements  
724.248 Incapacity of Owners or Operators, Guarantors or Financial Institutions  
724.251 Wording of the Instruments

## SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section  
724.270  
724.271  
724.272  
724.273  
724.274  
724.275  
724.276  
724.277  
724.278

Applicability  
Condition of Containers  
Compatibility of Waste With Container  
Management of Containers  
Inspections  
Containment  
Special Requirements for Ignitable or Reactive Waste  
Special Requirements for Incompatible Wastes  
Closure

## SUBPART J: TANK SYSTEMS

Section  
724.290  
724.291  
724.292  
724.293  
724.294  
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724.296

Applicability  
Assessment of Existing Tank System's Integrity  
Design and Installation of New Tank Systems or Components  
Containment and Detection of Releases  
General Operating Requirements  
Inspections  
Response to Leaks or Spills and Disposition of Leaking or unfit-for-use Tank Systems  
Closure and Post-Closure Care  
Special Requirements for Ignitable or Reactive Waste  
Special Requirements for Incompatible Wastes  
Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

## SUBPART K: SURFACE IMPOUNDMENTS

Section  
724.320  
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724.322  
724.326  
724.327  
724.328  
724.329  
724.330  
724.331

Applicability  
Design and Operating Requirements  
Double-lined Surface Impoundments: Exemption from Subpart F:  
Ground-water Protection Requirements (Repealed)  
Monitoring and Inspection  
Emergency Repairs; Contingency Plans  
Closure and Post-closure Care  
Special Requirements for Ignitable or Reactive Waste  
Special Requirements for Incompatible Wastes  
Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027



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## SUBPART L: WASTE PILES

Section	
724.350	Applicability
724.351	Design and Operating Requirements
724.352	Double-lined Piles: Exemption from Subpart F: Ground-water Protection Requirements (Repealed)
724.353	Inspection of Liners: Exemption from Subpart F: Ground-water Protection Requirements (Repealed)
724.354	Monitoring and Inspection
724.356	Special Requirements for Ignitable or Reactive Waste
724.357	Special Requirements for Incompatible Wastes
724.358	Closure and Post-closure Care
724.359	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

## SUBPART M: LAND TREATMENT

Section	
724.370	Applicability
724.371	Treatment Program
724.372	Treatment Demonstration
724.373	Design and Operating Requirements
724.376	Food-chain Crops
724.378	Unsaturated Zone Monitoring
724.379	Recordkeeping
724.380	Closure and Post-closure Care
724.381	Special Requirements for Ignitable or Reactive Waste
724.382	Special Requirements for Incompatible Wastes
724.383	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

## SUBPART N: LANDFILLS

Section	
724.400	Applicability
724.401	Design and Operating Requirements
724.402	Double-lined Landfills: Exemption from Subpart F: Ground-water Protection Requirements (Repealed)
724.403	Monitoring and Inspection
724.409	Surveying and Recordkeeping
724.410	Closure and Post-closure Care
724.412	Special Requirements for Ignitable or Reactive Waste
724.413	Special Requirements for Incompatible Wastes
724.414	Special Requirements for Bulk and Containerized Liquids
724.415	Special Requirements for Containers
724.416	Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
724.417	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

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## SUBPART O: INCINERATORS

Section	
724.440	Applicability
724.441	Waste Analysis
724.442	Principal Organic Hazardous Constituents (POHCS)
724.443	Performance Standards
724.444	Hazardous Waste Incinerator Permits
724.445	Operating Requirements
724.447	Monitoring and Inspections
724.451	Closure

## SUBPART X: MISCELLANEOUS UNITS

Section	
724.701	Applicability
724.701	Environmental Performance Standards
724.702	Monitoring, Analysis, Inspection, Response, Reporting and Corrective Action
724.703	Post-closure Care

## SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section	
724.930	Applicability
724.931	Definitions
724.932	Standards: Process Vents
724.933	Standards: Closed-vent Systems and Control Devices
724.934	Test methods and procedures
724.935	Recordkeeping requirements
724.936	Reporting Requirements

## SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section	
724.950	Applicability
724.951	Definitions
724.952	Standards: Pumps in Light Liquid Service
724.953	Standards: Compressors
724.954	Standards: Pressure Relief Devices in Gas/Vapor Service
724.955	Standards: Sampling Connecting Systems
724.956	Standards: Open-ended Valves or Lines
724.957	Standards: Valves in Gas/Vapor or Light Liquid Service
724.958	Standards: Pumps, Valves, Pressure Relief Devices and Other Connectors
724.959	Standards: Delay of Repair
724.960	Standards: Closed-vent Systems and Control Devices
724.961	Alternative Percentage Standard for Valves
724.962	Skip Period Alternative for Valves
724.963	Test Methods and Procedures
724.964	Recordkeeping Requirements



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## 724.965 Reporting Requirements

- Appendix A Recordkeeping Instructions
- Appendix B EPA Report Form and Instructions (Repealed)
- Appendix D Cochran's Approximation to the Behrens-Fisher Student's T-Test
- Appendix E Examples of Potentially Incompatible Waste
- Appendix I Groundwater Monitoring List

**AUTHORITY:** Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1022.4 and 1027).

**SOURCE:** Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. , effective

## SUBPART B: GENERAL FACILITY STANDARDS

## Section 724.113 General Waste Analysis

## a) Analysis:

- 1) Before an owner or operator treats, stores or disposes of any hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all the information which must be known to treat, store or dispose of the waste in accordance with the requirements of this Part or 35 Ill. Adm. Code 728, or with the conditions of a permit issued under 35 Ill. Adm. Code 702, 703 and 705.

- 2) The analysis may include data developed under 35 Ill. Adm. Code 721, and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.

**BOARD NOTE:** For example, the facility's records of analyses performed on the waste before the effective date of these regulations, or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility, may be included in the data base required to comply with subsection (a)(1). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1), except as otherwise specified in 35 Ill. Adm. Code 728.107(b) and (c). If the generator does not supply the information, and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

- 3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:

- A) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), has changed; and
- B) For off-site facilities, when the results of the inspection required in subsection (a)(4) indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

- 4) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

- b) The owner or operator shall develop and follow a written waste analysis plan which describes the procedures which it will carry out to comply with subsection (a). The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:

- 1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will



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provide sufficient information on the waste's properties to comply with subsection (a)).

- 2) The test methods which will be used to test for these parameters.
- 3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:
  - A) One of the sampling methods described in 35 Ill. Adm. Code 721.Appendix A; or
  - B) An equivalent sampling method.

BOARD NOTE: See 35 Ill. Adm. Code 720.121 for related discussion.

- 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date.
- 5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.
- 6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 724.117, 724.414, and 724.441, 724.934(d) and 724.963(d), and 35 Ill. Adm. Code 728.107. And,
- 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:
  - A) The sampling of impoundment contents;
  - B) The analysis of test data; and,
  - C) The annual removal of residues which are not delisted under 35 Ill. Adm. Code 720.122 or which exhibit a characteristic of hazardous waste, and either:
    - i) Do not meet applicable treatment standards of 35 Ill. Adm. Code 728.Subpart D; or
    - ii) Where no treatment standards have been established: Such residues are prohibited from

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land disposal under 35 Ill. Adm. Code 728.132 or 728.139; or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).

- c) For off-site facilities, the waste analysis plan required in subsection (b) must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:
  - 1) The procedures which will be used to determine the identity of each movement of waste managed at the facility; and
  - 2) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.

- BOARD NOTE: 35 Ill. Adm. Code 703, requires that the waste analysis plan be submitted with Part B of the permit application.

(Source: Amended at 15 Ill. Reg. , effective )

## Section 724.115 General Inspection Requirements

- a) The owner or operator shall conduct inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator shall inspect the facility for malfunctions and deterioration, operator errors and discharges which may be causing, or may lead to:
  - 1) Release of hazardous waste constituents to the environment; or
  - 2) A threat to human health.
- b) Inspection schedule.
  - 1) The owner or operator shall develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting or responding to environmental or human health hazards.



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- 2) The owner or operator shall keep this schedule at the facility.
- 3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).
- 4) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the terms and frequencies called for in Sections 724.274, 724.294, 724.326, 724.353, 724.354, 724.403, 724.447, and 724.702, 724.933, 724.952, 724.953 and 724.958, where applicable.

BOARD NOTE: 35 Ill. Adm. Code 703 requires the inspection schedule to be submitted with Part B of the permit application. The Agency will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the Agency may modify or amend the schedule as may be necessary.

- c) The owner or operator shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.
- d) The owner or operator shall record inspections in an inspection log or summary. The owner or operator shall keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date and nature of any repairs or other remedial actions.

(Source: Amended at 15 Ill. Reg. , effective )

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## SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

## Section 724.173 Operating Record

- a) The owner or operator shall keep a written operating record at the facility.
- b) The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:
- 1) A description and the quantity of each hazardous waste received, and the method or methods and date or dates of its treatment, storage or disposal at the facility as required by Appendix A;
  - 2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

BOARD NOTE: See Section 724.219 for related requirements.

- 3) Records and results of waste analyses performed as specified in Sections 724.113, 724.117, 724.414, and 724.441, 724.934, 724.963, and in 35 Ill. Adm. Code 728.104(a) and 728.107;
- 4) Summary reports and details of all incidents that require implementing the contingency plan as specified in Section 724.156(j);
- 5) Records and results of inspections as required by Section 724.115(d) (except these data need to be kept only three years);
- 6) Monitoring, testing or analytical data and corrective action where required by Subpart F or Sections 724.326, 724.353, 724.354, 724.376, 724.378, 724.380, 724.403, 724.409, 724.447, or 724.702, 724.934(c) through (f), 724.935, 724.963(d) through (i) or 724.964.
- 7) For off-site facilities, notices to generators as specified in Section 724.112(b);



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- 8) All closure cost estimates under Section 724.242 and, for disposal facilities, all post-closure cost estimates under Section 724.244;
- 9) A certification by the permittee, no less often than annually; that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that the permittee generates, to the degree the permittee determines to be economically practicable; and that the proposed method of treatment, storage or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment;
- 10) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition pursuant to 35 Ill. Adm. Code 728.106 or a certification under 35 Ill. Adm. Code 728.108, and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a);
- 11) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
- 12) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
- 13) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108, whichever is applicable; and
- 14) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration if applicable, required under 35 Ill. Adm. Code 728.108, whichever is applicable.

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- 15) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; and,
- 16) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108.

(Source: Amended at 15 Ill. Reg. , effective )

## Section 724.177 Additional Reports

In addition to submitting the annual report and unmanifested waste reports described in Sections 724.175 and 724.176, the owner or operator ~~must~~ shall also report to the Agency:

- a) Releases, fires and explosions as specified in Section 724.156(j);
- b) Facility closures specified in Section 724.215; and
- c) As otherwise required by Subparts F and K-WF, K through N, AA and BB.

(Source: Amended at 15 Ill. Reg. , effective )

## SUBPART K: SURFACE IMPOUNDMENTS

## Section 724.321 Design and Operating Requirements

- a) Any surface impoundment that it not covered by subsection (c) or 35 Ill. Adm. Code 725.321 must have a liner for all portions of the impoundment (except for existing portions of such impoundment). The liner must be designed, constructed and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil or ~~ground-water~~ groundwater or surface water at any time during the active life (including the closure period) of the impoundment. The liner may be constructed of materials that may allow wastes to migrate into the liner (but not into the adjacent subsurface soil or ~~ground-water~~ groundwater or surface water) during the active life of the facility, provided that the impoundment is closed in accordance with Section 724.328(a)(1). For impoundments that will be closed in accordance with Section 724.328(a)(2), the liner must be constructed of materials that can prevent wastes from migrating



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into the liner during the active life of the facility. The liner must be:

- 1) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation;
  - 2) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and
  - 3) Installed to cover all surrounding earth likely to be in contact with the waste or leachate.
- b) The owner or operator will be exempted from the requirements of subsection (a) if the Board finds, based on a demonstration by the owner or operator, in a variance and/or site-specific rulemaking, that alternate design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents (see Section 724.193) into the ~~ground-water~~ groundwater or surface water at any future time. In deciding whether to grant an exemption, the Board will consider:

- 1) The nature and quantity of the wastes;
- 2) The proposed alternate design and operation;
- 3) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the impoundment and ~~ground-water~~ groundwater or surface water; and
- 4) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ~~ground-water~~ groundwater or surface water.

c) The owner or operator of each new surface impoundment, each new surface impoundment unit at an existing facility, each replacement of an existing surface impoundment unit and each lateral expansion of an existing surface impoundment unit, must install two or more liners and a leachate collection system between such liners. The liners and leachate collection system must protect human health and the environment. The requirements of this subsection shall

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apply with respect to all waste received after the issuance of the permit for units where Part B of the permit application is received by the Agency or USEPA after November 8, 1984. The requirement for the installation of two or more liners in this subsection may be satisfied by the installation of a top liner designed, operated and constructed of materials to prevent the migration of any constituent into such liner during the period such facility remains in operation (including any post-closure monitoring period), and a lower liner designed, operated and constructed to prevent the migration of any constituent through such liner during such period. For the purpose of the preceding sentence, a lower liner shall be deemed to satisfy such requirement if it is constructed of at least a 3-foot thick layer of recompacted clay or other natural material with a permeability of no more than  $1 \times 10^{-7}$  centimeter per second.

- d) Subsection (c) will not apply if the owner or operator demonstrates to the Agency and the Agency finds for such surface impoundment, that alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituent into the ~~ground-water~~ groundwater or surface water at least as effectively as such liners and leachate collection systems.
- e) The double liner requirement set forth in subsection (c) may be waived by the Agency for any monofill, if:

- 1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents which would render the wastes hazardous for reasons other than the ~~EP-toxicity~~ characteristics in 35 Ill. Adm. Code 721.124; and

- 2) Design and location.

A) Liner, location and groundwater monitoring.

- i) The monofill has at least one liner for which there is no evidence that such liner is leaking. For the purposes of this subsection, the term "liner" means a liner designed, constructed, installed and operated to prevent hazardous waste from passing into the liner at any time during the active life of the facility, or a liner designed, constructed, installed and operated to prevent hazardous waste from migrating beyond the liner to adjacent subsurface soil, groundwater or surface water at



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any time during the active life of the facility. In the case of any surface impoundment which has been exempted from the requirements of subsection (c) on the basis of a liner designed, constructed, installed and operated to prevent hazardous waste from passing beyond the liner, at the closure of such impoundment, the owner or operator must remove or decontaminate all waste residues, all contaminated liner material and contaminated soil to the extent practicable. If all contaminated soil is not removed or decontaminated, the owner or operator of such impoundment will comply with appropriate post-closure requirements, including but not limited to groundwater monitoring and corrective action;

- ii) The monofill is located more than one-quarter mile from an underground source of drinking water (as that term is defined in 35 Ill. Adm. Code 702.110 and
- iii) The monofill is in compliance with generally applicable ~~ground-water~~ groundwater monitoring requirements for facilities with permits or

## B) RCRA

The owner or operator demonstrates to the Board that the monofill is located, designed and operated so as to assure that there will be no migration of any hazardous constituent into ~~ground-water~~ groundwater or surface water at any future time.

- f) A surface impoundment must be designed, constructed, maintained and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave action; rainfall; run-on; malfunctions of level controllers, alarms and other equipment; and human error.
- g) A surface impoundment must have dikes that are designed, constructed and maintained with sufficient structural integrity to prevent massive failure of the dikes. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the unit.
- h) The Agency will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this Section are satisfied.

(Source: Amended at 15 Ill. Reg. , effective )

Section 724.329 Special Requirements for Ignitable or Reactive Waste  
Ignitable or reactive waste must not be placed in a surface impoundment, unless the waste and impoundment satisfy all applicable requirements of 35 Ill. Adm. Code 728, and:

- a) The waste is treated, rendered or mixed before or immediately after placement in the impoundment so that:
  - 1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and
  - 2) Section 724.117(b) is complied with; or
- b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; or
- c) The surface impoundment is used solely for emergencies.

(Source: Amended at 15 Ill. Reg. , effective )

## SUBPART L: WASTE PILES

Section 724.356 Special Requirements for Ignitable or Reactive Waste  
Ignitable or reactive waste must not be placed in a waste pile, unless the waste and waste pile satisfy all applicable requirements of 35 Ill. Adm. Code 728, and:

- a) The waste is treated, rendered or mixed before or immediately after placement in the pile so that:
  - 1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and
  - 2) Section 724.117(b) is complied with; or
- b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

(Source: Amended at 15 Ill. Reg. , effective )



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## SUBPART M: LAND TREATMENT

## Section 724.381 Special Requirements for Ignitable or Reactive Waste

The owner or operator must not apply ignitable or reactive waste to the treatment zone, unless the waste and the treatment zone satisfy all applicable requirements of 35 Ill. Adm. Code 728, and:

- a) The waste is immediately incorporated into the soil so that:
  - 1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and
  - 2) Section 724.117(b) is complied with; or
- b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

(Source: Amended at 15 Ill. Reg. , effective )

## SUBPART N: LANDFILLS

## Section 724.401 Design and Operating Requirements

- a) Any landfill that is not covered by subsection (c) or 35 Ill. Adm. Code 725.401(a) must have a liner system for all portions of the landfill (except for existing portions of such landfill). The liner system must have:
  - 1) A liner that is designed, constructed and installed to prevent any migration of wastes out of the landfill to the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the landfill. The liner must be constructed of materials that prevent wastes from passing into the liner during the active life of the facility. The liner must be:

- A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation;

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- B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and

- C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

- 2) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained and operated to collect and remove leachate from the landfill. The Agency will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be:
  - A) Constructed of materials that are:
    - i) Chemically resistant to the waste managed in the landfill and the leachate expected to be generated; and
    - ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials and by any equipment used at the landfill; and
  - B) Designed and operated to function without clogging through the scheduled closure of the landfill.

- b) The owner or operator will be exempted from the requirements of subsection (a) if the Board finds, based on a demonstration by the owner or operator, in a variance and/or site-specific rulemaking, that alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents (see Section 724.193) into the groundwater or surface water at any future time. In deciding whether to grant an exemption, the Board will consider:
  - 1) The nature and quantity of the wastes;
  - 2) The proposed alternate design and operation;
  - 3) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the landfill and groundwater or surface water; and



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- 4) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.
- c) The owner or operator of each new landfill, each new landfill unit at an existing facility, each replacement of an existing landfill unit and each lateral expansion of an existing landfill unit, must install two or more liners and a leachate collection system above and between the liners. The liners and leachate collection systems must protect human health and the environment. This subsection applies with respect to all waste received after issuance of the permit for units where Part B of the permit application is received by the Agency or USEPA after November 8, 1984. The requirement for the installation of two or more liners in this subsection may be satisfied by the installation of a top liner designed, operated and constructed of materials to prevent the migration of any constituent into such liner during the period such facility remains in operation (including any post-closure monitoring period), and a lower liner designed, operated and constructed to prevent the migration of any constituent through such liner during such period. For the purpose of the preceding sentence, a lower liner shall be deemed to satisfy such requirement if it is constructed of at least a 3-foot thick layer of recompacted clay or other natural material with a permeability of no more than  $1 \times 10^{-7}$  centimeter per second.
- d) Subsection (c) will not apply if the owner or operator demonstrates to the Agency, and the Agency finds for such landfill, that alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituent into the groundwater or surface water at least as effectively as such liners and leachate collection systems.
- e) The double liner requirement set forth in subsection (c) be waived by the Agency for any monofill, if:
- 1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents which would render the wastes hazardous for reasons other than the toxicity characteristic in 35 Ill. Adm. Code 721.124, with USEPA hazardous waste numbers D004 through D017; and
  - 2) No migration demonstration.
    - A) Design and location requirements.

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- i) The monofill has at least one liner for which there is no evidence that such liner is leaking.
  - ii) The monofill is located more than one-quarter mile from an underground source of drinking water (as that term is defined in 35 Ill. Adm. Code 702.110.
  - iii) The monofill is in compliance with generally applicable groundwater monitoring requirements for facilities with RCRA permits; or
- B) The owner or operator demonstrates to the Board that the monofill is located, designed and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time.
- f) The owner or operator must design, construct, operate and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 25-year storm.
  - g) The owner or operator must design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24 hour, 25-year storm.
  - h) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.
  - i) If the landfill contains any particulate matter which may be subject to wind dispersal, the owner or operator must cover or otherwise manage the landfill to control wind dispersal.
  - j) The Agency will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this Section are satisfied.
- (Source: Amended at 15 Ill. Reg. , effective )
- Section 724.412 Special Requirements for Ignitable or Reactive Waste
- a) Except as provided in ~~paragraph~~ subsection (b) and in Section 724.416, ignitable or reactive waste must not be placed in a landfill, unless the waste and landfill meet all applicable



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Requirements of 35 Ill. Adm. Code 728, and the waste is treated, rendered or mixed before or immediately after placement in a landfill so that:

- 1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and
- 2) Section 724.117(b) is complied with.

b) -Except for prohibited wastes which remain subject to treatment standards in 35 Ill. Adm. Code Subpart D, ignitable waste in containers may be landfilled without meeting the requirements of paragraph subsection (a) provided that the wastes are disposed of in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes must be disposed of in non-leaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture or any other condition that might cause ignition of the wastes; must be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and must not be disposed of in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.

(Source: Amended at 15 Ill. Reg. , effective )

Section 724.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

Small containers of hazardous waste in overpacked drums (lab packs) may be placed in a landfill if the following requirements are met:

- a) Hazardous waste must be packaged in non-leaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by or be ignited by the contained waste. The inside containers must be tightly and securely sealed. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR 173, 178 and 179), if those regulations specify a particular inside container for the waste.
- b) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR 178 and 179) of no more than 416 liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of absorbent material to completely absorb all of the liquid contents of the inside containers. The

metal outer container must be full after packing with inside containers and absorbent material.

- c) In accordance with Section 724.117(b), the absorbent material used must not be capable of reacting dangerously with, being decomposed by or being ignited by the contents of the inside containers.
- d) Incompatible waste, as defined in 35 Ill. Adm. Code 720.110, must not be placed in the same outside container.
- e) Reactive wastes, other than cyanide- or sulfide-bearing waste as defined in 35 Ill. Adm. Code 721.123(a)(5), must be treated or rendered non-reactive prior to packaging in accordance with paragraph subsections (a) through (d). Cyanide- and sulfide-bearing reactive waste may be packed in accordance with paragraph subsections (a) through (d) without first being treated or rendered non-reactive.
- f) Such disposal is in compliance with 35 Ill. Adm. Code 728. Persons who incinerate lab packs according to 35 Ill. Adm. Code 728.142(c)(1) may use fiber drums in place of metal outer containers. Such fiber drums must meet the DOT specifications in 49 CFR 173.12 and be overpacked according to the requirements of subsection (b).
- g) Pursuant to 35 Ill. Adm. Code 729.312, the use of labpacks for disposal of liquid wastes or wastes containing free liquids allowed under this Section is restricted to labwaste and non-periodic waste, as those terms are defined in that Part.

(Source: Amended at 15 Ill. Reg. , effective )

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 724.930 Applicability

- a) This Subpart applies to owners and operators of facilities that treat, store or dispose of hazardous wastes (except as provided in Section 724.101).
- b) Except for Sections 724.934(d) and 724.935(e), this Subpart applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw (parts per million by weight), if these operations are conducted in:



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- 1) Units that are subject to the permitting requirements of 35 Ill. Adm. Code 703; or
- 2) Hazardous waste recycling units that are located on hazardous waste management facilities otherwise subject to the permitting requirements of 35 Ill. Adm. Code 703.

c) If the owner or operator of process vents subject to the requirements of Sections 724.932 through 724.936 has received a RCRA permit prior to December 21, 1990, the requirements of Sections 724.932 through 724.936 must be incorporated when the permit is reissued under 35 Ill. Adm. Code 705.201 or reviewed under 35 Ill. Adm. Code 702.161.

BOARD NOTE: The requirements of Sections 724.932 through 724.936 apply to process vents on hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104, 722.134 and 724.101(g) are not affected by these requirements.

(Source: Added at 15 Ill. Reg. , effective )

Section 724.931 Definitions

As used in this Subpart, all terms not defined in the Subpart have the meaning given them in the Resource Conservation and Recovery Act and 35 Ill. Adm. Code 720 through 726.

Air stripping operation is a desorption operation employed to transfer one or more volatile components from a liquid mixture into a gas (air) either with or without the application of heat to the liquid. Packed towers, spray towers and bubble-cap, sieve, or valve-type plate towers are among the process configurations used for contacting the air and a liquid.

Bottoms receiver means a container or tank used to receive and collect the heavier bottoms fractions of the distillation feed stream that remain in the liquid phase.

BTU means British thermal unit.

Closed-vent system means a system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device.

Condenser means a heat-transfer device that reduces a thermodynamic fluid from its vapor phase to its liquid phase.

Connector means flanged, screwed, welded or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment. For the purposes of reporting and recordkeeping, connector means flanged fittings that are not covered by insulation or other materials that prevent location of the fittings.

Continuous recorder means a data-recording device recording an instantaneous data value at least once every 15 minutes.

Control device means an enclosed combustion device, vapor recovery system, or flare. Any device the primary function of which is the recovery or capture of solvents or other organics for use, reuse, or sale (e.g., a primary condenser on a solvent recovery unit) is not a control device.

Control device shutdown means the cessation of operation of a control device for any purpose.

Distillate receiver means a container or tank used to receive and collect liquid material (condensed) from the overhead condenser of a distillation unit and from which the condensed liquid is pumped to larger storage tanks or other process units.

Distillation operation means an operation, either batch or continuous, separating one or more feed stream(s) into two or more exit streams, each exit stream having component concentrations different from those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid and vapor phase as they approach equilibrium within the distillation unit.

Double block and bleed system means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

Equipment means each valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, or flange, and any control devices or systems required by this Subpart.

Flame zone means the portion of the combustion chamber in a boiler occupied by the flame envelope.

Flow indicator means a device that indicates whether gas flow is present in a vent stream.



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First attempt at repair means to take rapid action for the purpose of stopping or reducing leakage of organic material to the atmosphere using best practices.

Fractionation operation means a distillation operation or method used to separate a mixture of several volatile components of different boiling points in successive stages, each stage removing from the mixture some proportion of one of the components.

ft means foot.

h means hour.

Hazardous waste management unit shutdown means a work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit. An unscheduled work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit for less than 24 hours is not a hazardous waste management unit shutdown. The use of spare hazardous waste management unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping operation are not hazardous waste management unit shutdowns.

Hot well means a container for collecting condensate as in a steam condenser serving a vacuum-jet or steam-jet ejector.

In gas-vapor service means that the piece of equipment contains or contacts a hazardous waste stream that is in the gaseous state at operating conditions.

In heavy liquid service means that the piece of equipment is not in gas/vapor service or in light liquid service.

In light liquid service means that the piece of equipment contains or contacts a waste stream where the vapor pressure of one or more of the components in the stream is greater than 0.3 kilopascals (kPa) at 20 C, the total concentration of the pure components having a vapor pressure greater than 0.3 kPa at 20 C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions.

In situ sampling systems means nonextractive samplers on in-line samplers.

In vacuum service means that equipment is operating at an internal pressure that is at least 5 kPa below ambient pressure.

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Kg means kilogram.

kPa means kilopascals.

lb means pound.

m means meter.

Mg means Megagrams, or metric tonnes.

MJ means Megajoules, or ten to the sixth Joules.

MW means Megawatts.

Malfunction means any sudden failure of a control device or a hazardous waste management unit or failure of a hazardous waste management unit to operate in a normal or usual manner, so that organic emissions are increased.

Open-ended valve or line means any valve, except pressure relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

ppmv means parts per million by volume.

ppmw means parts per million by weight.

Pressure release means the emission of materials resulting from the system pressure being greater than the set pressure of the pressure relief device.

Process heater means a device that transfers heat liberated by burning fuel to fluids contained in tubes, including all fluids except water that are heated to produce steam.

Process vent means any open-ended pipe or stack that is vented to the atmosphere either directly, through a vacuum-producing system, or through a tank (e.g., distillate receiver, condenser, bottoms receiver, surge control tank, separator tank, or hot well) associated with hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations.

Repaired means that equipment is adjusted, or otherwise altered, to eliminate a leak.

s means second.



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scm means standard cubic meter.

soft meant standard cubic foot.

Sensor means a device that measures a physical quantity or the change in a physical quantity, such as temperature, pressure, flow rate, pH, or liquid level.

Separator tank means a device used for separation of two immiscible liquids.

Solvent extraction operation means an operation or method of separation in which a solid or solution is contacted with a liquid solvent (the two being mutually insoluble) to preferentially dissolve and transfer one or more components into the solvent.

Startup means the setting in operation of a hazardous waste management unit or control device for any purpose.

Steam stripping operation means a distillation operation in which vaporization of the volatile constituents of a liquid mixture takes place by the introduction of steam directly in to the charge.

Surge control tank means a large-sized pipe or storage reservoir sufficient to contain the surging liquid discharge of the process tank to which it is connected.

Thin-film evaporation operation means a distillation operation that employs a heating surface consisting of a large diameter tube that may be either straight or tapered, horizontal or vertical. Liquid is spread on the tube wall by a rotating assembly of blades that maintain a close clearance from the wall or actually ride on the film of liquid on the wall.

Vapor incinerator means any enclosed combustion device that is used for destroying organic compounds and does not extract energy in the form of steam or process heat.

Vented means discharged through an opening, typically an open-ended pipe or stack, allowing the passage of a stream of liquids, gases, or fumes into the atmosphere. The passage of liquids, gases, or fumes is caused by mechanical means such as compressors or vacuum-producing systems or by process-related means such as evaporation produced by heating and not caused by tank loading and

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unloading (working losses) or by natural means such as diurnal temperature changes.

yr means year.

(Source: Added at 15 Ill. Reg. , effective )

Section 724.932 Standards: Process Vents

a) The owner or operator of a facility with process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations managing hazardous wastes with organic concentrations of at least 10 ppmw shall either:

1) Reduce total organic emissions from all affected process vents at the facility below 1.4 kg/h (3 lb/h) and 2.8 Mg/yr (3.1 tons/yr); or

2) Reduce, by use of a control device, total organic emissions from all affected process vents at the facility by 95 weight percent.

b) If the owner or operator installs a closed-vent system and control device to comply with the provisions of subsection (a), the closed-vent system and control device must meet the requirements of Section 724.933.

c) Determinations of vent emissions and emission reductions or total organic compound concentrations achieved by add-on control devices must be either based on engineering calculations or performance tests. If performance tests are used to determine vent emissions, emission reductions, or total organic compound concentrations achieved by add-on control devices, the performance tests must conform with the requirements of Section 724.934(c).

d) When an owner or operator and the Agency do not agree on determinations of vent emissions or emission reductions or total organic compound concentrations achieved by add-on control devices based on engineering calculations, the procedures in Section 724.934(c) must be used to resolve the disagreement.

(Source: Added at 15 Ill. Reg. , effective )

Section 724.933 Standards: Closed-vent Systems and Control Devices

a) Compliance Required.



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- 1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part shall comply with the provisions of this Section.
- 2) The owner or operator of an existing facility who cannot install a closed-vent system and control device to comply with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 18 months after the effective date that the facility becomes subject to this Subpart for installation and startup. All units that begin operation after December 21, 1990, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 2-year implementation schedule does not apply to these units.
- b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 724.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.
- c) An enclosed combustion device (e.g., a vapor incinerator, boiler or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds, not carbon equivalents, on a dry basis corrected to 3 percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760 C. If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame zone of the boiler or process heater.
- d) Flares
  - 1) A flare must be designed for and operated with no visible emissions as determined by the methods specified in subsection (e)(1) except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
  - 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(c).

- 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater if the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2).
- 4) Exit Velocity.
  - A) A steam-assisted or nonassisted flare must be designed for an operated with an exit velocity, as determined by the methods specified in subsection (e)(3), less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (C).
  - B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3), equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).
  - C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3), less than the velocity, V as determined by the method specified in subsection (e)(4) and less than 122 m/s (400 ft/s) is allowed.
  - 5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V as determined by the method specified in subsection (e)(5).
  - 6) A flare used to comply with this Section must be steam-assisted, air-assisted or nonassisted.
  - e) 1) Reference Method 22 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart. The observation period is 2 hours and must be used according to Method 22.
  - 2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:



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$$H = K * \sum(C_i * H_i)$$

Where:

H is the net heating value of the sample in MJ/scm: where the net enthalpy per mole of offgas is based on combustion at 25 C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mole is 20 C.

$$K = 1.74 \times 10^{-7} \text{ (1/ppm)(g mol/scm)(MJ/kcal) where standard temperature for (g mol/scm) } 20 \text{ C.}$$

$\sum(X_i)$  means the sum of the values of X for each component i, from i=1 to n.

C<sub>i</sub> is the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 in 40 CFR 60, and for carbon monoxide, by ASTM D1946, incorporated by reference in 35 Ill. Adm. Code 720.111.

H<sub>i</sub> is the net heat of combustion of sample component i, kcal/gmol at 25 C and 760 mm Hg. The heats of combustion must be determined using ASTM D2382, incorporated by reference in 35 Ill. Adm. Code 720.111, if published values are not available or cannot be calculated.

- 3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

- 4) The maximum allowed velocity in m/s, V for a flare complying with subsection (d)(4)(C) must be determined by the following equation:

$$\text{LOG}(V) = (H + 28.8) / 31.7$$

Where:

LOG means logarithm to the base 10

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H is the net heating value as determined in subsection (e)(2).

- 5) The maximum allowed velocity in m/s, V for an air-assisted flare must be determined by the following equation:

$$V = 8.706 + 0.7084H$$

Where:

H is the net heating value as determined in subsection (e)(2).

- f) The owner or operator shall monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:

- 1) Install, calibrate, maintain and operate according to the manufacturer's specifications a flow indicator that provides a record of stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before the point at which the vent streams are combined.

- 2) Install, calibrate, maintain and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:

- A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of + 1 percent of the temperature being monitored in C or + C, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

- B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of + 1 percent of the temperature being monitored in C or + 0.5 C, whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent



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stream at the nearest feasible point to the catalyst bed outlet.

- C1) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.

D1) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of  $\pm 1$  percent of the temperature being monitored in C or  $\pm 0.5$  C, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.

E1) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure a parameter(s) that indicates good combustion operating practices are being used.

F1) For a condenser, either:

- i1) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or

ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of  $\pm 1$  percent of the temperature being monitored in C or  $\pm 0.5$  C, whichever is greater. One temperature sensor must be installed at a location in the exhaust vent stream from the condenser, and a second temperature sensor must be installed at a location in the coolant fluid exiting the condenser.

G1) For a carbon adsorption system that regenerates the carbon bed directly in the control device such as a fixed-bed carbon adsorber, either:

- i1) A monitoring device equipped with a continuous recorder to measure the concentration level of

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the organic compounds in the exhaust vent stream from the carbon bed, or

- ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.

31) Inspect the readings from each monitoring device required by subsection (f)(1) and (2) at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.

g1) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 724.935(b)(4)(C)(vi).

h1) An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:

- 11) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of Section 724.935(b)(4)(C)(vii), whichever is longer.

21) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 724.935(b)(4)(C)(vii).

- i1) An alternative operational or process parameter may be monitored if the operator demonstrates that the parameter will ensure that the control device is operated in conformance with these standards and the control device's design specifications.



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1) An owner or operator of an affected facility seeking to comply with the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

k) Closed vent systems.

1) Closed-vent systems must be designed for and operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background and by visual inspections, as determined by the methods specified at Section 724.934(b).

2) Closed-vent systems must be monitored to determine compliance with this Section during the initial leak detection monitoring, which must be conducted by the date that the facility becomes subject to the provisions of this Section annually, and at other times as specified in the RCRA permit.

3) Detectable emissions, as indicated by an instrument reading greater than 500 ppm and visual inspections, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected.

4) A first attempt at repair must be made no later than 5 calendar days after the emission is detected.

1) Closed-vent systems and control devices used to comply with provisions of this Subpart must be operated at all times when emissions may be vented to them.

(Source: Added at 15 Ill. Reg. , effective )

Section 724.934 Test methods and procedures

a) Each owner or operator subject to the provisions of this Subpart shall comply with the test methods and procedures requirements provided in this Section

b) When a closed-vent system is tested for compliance with no detectable emissions, as required in Section 724.933(k), the test must comply with the following requirements:

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1) Monitoring must comply with Reference Method 21 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) The detection instrument must meet the performance criteria of Reference Method 21.

3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

4) Calibration gases must be:

A) Zero air (less than 10 ppm of hydrocarbon in air).

B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.

5) The background level must be determined as set forth in Reference Method 21.

6) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

7) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

c) Performance tests to determine compliance with Section 724.932(a) and with the total organic compound concentration limit of Section 724.933(c) must comply with the following:

1) Performance tests to determine total organic compound concentrations and mass flow rates entering and exiting control devices must be conducted and data reduced in accordance with the following reference methods and calculation procedures:

A) Method 2 in 40 CFR 60 for velocity and volumetric flow rate.

B) Method 18 in 40 CFR 60 for organic content.

C) Each performance test must consist of three separate runs, each run conducted for at least 1 hour under the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. For the



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purpose of determining total organic compound concentrations and mass flow rates, the average of results of all runs applies. The average must be computed on a time-weighted basis.

- D) Total organic mass flow rates must be determined by the following equation:

$$F = K * Q * \sum (Ci * MWi)$$

Where:

F is the total organic mass flow rate, kg/h.

K =  $4.16 \times 10^{-8}$ , conversion factor for molar volume, kg-mol/cubic m, at 293 K and 760 mm Hg.

Q = volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Method 2 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.

$\sum (Xi)$  means the sum of the values of X for each component i, from i=1 to n.

n = number of organic compounds in the vent gas.

$Ci$  is the organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Method 18 in 40 CFR 60.

MWi is the molecular weight of organic compound i in the vent gas, kg/kg-mol.

- E) The annual total organic emission rate must be determined by the following equation:

$$A = F * \text{HOURS}$$

Where:

A is total organic emission rate, kg/y.

F is the total organic mass flow rate, kg/h, as calculated in subsection (c)(1)(D).

HOURS is the total annual hours of operation for the affected unit.

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- F) Total organic emissions from all affected process vents at the facility must be determined by summing the hourly total organic mass emissions rates (F as determined in subsection (c)(1)(D)) and by summing the annual total organic mass emission rates (A as determined in subsection (c)(1)(E)) for all affected process vents at the facility.

- 2) The owner or operator shall record such process information as is necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown and malfunction do not constitute representative conditions for the purpose of a performance test.

- 3) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

A) Sampling ports adequate for the test methods specified in subsection (c)(1).

B) Safe sampling platform(s).

C) Safe access to sampling platform(s).

D) Utilities for sampling and testing equipment.

- 4) For the purpose of making compliance determinations, the time-weighted average of the results of the three runs must apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions or other circumstances beyond the owner or operator's control, compliance may, upon the Agency's approval, be determined using the average of the results of the two other runs.

- d) To show that a process vent associated with a hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation is not subject to the requirements of this Subpart, the owner or operator shall make an initial determination that the time-weighted, annual average total organic concentration of the waste managed by the waste management unit is less than 10 ppmw using one of the following two methods:



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- 1) Direct measurement of the organic concentration of the waste using the following procedures:

- A) The owner or operator shall take a minimum of four grab samples of waste for each wastestream managed in the affected unit under process conditions expected to cause the maximum waste organic concentration.
- B) For waste generated onsite, the grab samples must be collected at a point before the waste is exposed to the atmosphere such as in an enclosed pipe or other closed system that is used to transfer the waste after generation to the first affected distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation. For waste generated offsite, the grab samples must be collected at the inlet to the first waste management unit that receives the waste provided the waste has been transferred to the facility in a closed system such as a tank truck and the waste is not diluted or mixed with other waste.
- C) Each sample must be analyzed and the total organic concentration of the sample must be computed using Method 9060 or 8240 of SW-846 (incorporated by reference under 35 Ill. Adm. Code 720.111.
- D) The arithmetic mean of the results of the analyses of the four samples apply for each wastestream managed in the unit in determining the time-weighted, annual average total organic concentration of the waste. The time-weighted average is to be calculated using the annual quantity of each waste stream processed and the mean organic concentration of each wastestream managed in the unit.

- 2) Using knowledge of the waste to determine that its total organic concentration is less than 10 ppmw. Documentation of the waste determination is required. Examples of documentation that must be used to support a determination under this subsection include:

- A) Production process information documenting that no organic compounds are used.
- B) Information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by

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direct measurement to generate a wastestream having a total organic content less than 10 ppmw, or

- C) Prior speciation analysis results on the same wastestream where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.

e) The determination that distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations which manage hazardous wastes with time-weighted, annual average total organic concentrations less than 10 ppmw must be made as follows:

- 1) By the effective date that the facility becomes subject to the provisions of this Subpart or by the date when the waste is first managed in a waste management unit, whichever is later; and
- 2) For continuously generated waste, annually; or
- 3) Whenever there is a change in the waste being managed or a change in the process that generates or treats the waste.

f) When an owner or operator and the Agency do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, the procedures in Method 8240 in SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to resolve the dispute.

(Source: Added at 15 Ill. Reg. , effective )

Section 724.935 Recordkeeping requirements

a) Compliance Required.

- 1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.
- 2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.



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b1) Owners and operators shall record the following information in the facility operating record:

- 1) For facilities that comply with the provisions of Section 724.933(a)(2), an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The schedule must also include a rationale of why the installation cannot be completed at an earlier date. The implementation schedule must be in the facility operating record by the effective date that the facility becomes subject to the provisions of this Subpart.
- 2) Up-to-date documentation of compliance with the process vent standards in Section 724.932, including:
  - A) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan).
  - B) Information and data supporting determination of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions, such as when the waste management unit is operating at the highest load or capacity level reasonably expected to occur. If the owner or operator takes any action (e.g., managing a waste of different composition or increasing operating hours of affected waste management units) that would result in an increase in total organic emissions from affected process vents at the facility, then a new determination is required.
- 3) Where an owner or operator chooses to use test data to determine the organic removal efficiency or total organic

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compound concentration achieved by the control device, a performance test plan. The test plan must include:

- A) A description of how it is determined that the planned test is going to be conducted when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. This must include the estimated or design flow rate and organic content of each vent stream and define the acceptable operating ranges of key process and control device parameters during the test program.
  - B) A detailed engineering description of the closed-vent system and control device including:
    - i.) Manufacturer's name and model number of control device.
    - ii.) Type of control device.
    - iii.) Dimensions of the control device.
    - iv.) Capacity.
    - v.) Construction materials.
  - C) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.
- 4) Documentation of compliance with Section 724.933 must include the following information:
- A) A list of all information references and sources used in preparing the documentation.
  - B) Records including the dates of each compliance test required by Section 724.933(k).
  - C) If engineering calculations are used, a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of API Course 415 (incorporated by reference in 35 Ill. Adm. Code 720.111) or other engineering texts, approved by the Agency, that present basic control device design information.



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Documentation provided by the control device manufacturer or vendor that describes the control device design in accordance with subsections (b)(4)(C)(i) through (vii) may be used to comply with this requirement. The design analysis must address the vent stream characteristics and control device operation parameters as specified below.

- i) For a thermal vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.
- ii) For a catalytic vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperatures across the catalyst bed inlet and outlet.
- iii) For a boiler or process heater, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average flame zone temperatures, combustion zone residence time and description of method and location where the vent stream is introduced into the combustion zone.
- iv) For a flare, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also consider the requirements specified in Section 724.933(d).
- v) For a condenser, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream

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and design average temperatures of the coolant fluid at the condenser inlet and outlet.

- vi) For a carbon adsorption system such as a fixed-bed adsorber that regenerates the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design exhaust vent stream organic compound concentration level, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the carbon bed steaming and cooling/drying cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time and design service life of carbon.
- vii) For a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.
- Di) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.
- Ei) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 percent or greater unless the total organic concentration limit of Section 724.932(a) is achieved at an efficiency less than 95 weight percent or the total organic emission



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limits of Section 724.932(a) for affected process vents at the facility are attained by a control device involving vapor recovery at an efficiency less than 95 weight percent. A statement provided by the control device manufacturer or vendor certifying that the control equipment meets the design specifications may be used to comply with this requirement.

- F) If performance tests are used to demonstrate compliance, all test results.

- C) Design documentation and monitoring operating and inspection information for each closed-vent system and control device required to comply with the provisions of this Part must be recorded and kept up-to-date in the facility operating record. The information must include:

- 1) Description and date of each modification that is made to the closed-vent system or control device design.
- 2) Identification of operating parameter, description of monitoring device, and diagram of monitoring sensor location or locations used to comply with Section 724.933(f)(1) and (2).
- 3) Monitoring, operating and inspection information required by Section 724.933(f) through (k).
- 4) Date, time and duration of each period that occurs while the control device is operating when any monitored parameter exceeds the value established in the control device design analysis as specified below:

- A) For a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of 760 C, any period when the combustion temperature is below 760 C.
- B) For a thermal vapor incinerator designed to operate with an organic emission reduction efficiency of 95 weight percent or greater, any period when the combustion zone temperature is more than 28 C below the design average combustion zone temperature established as a requirement of subsection (b)(4)(C)(i).
- C) For a catalytic vapor incinerator, any period when:
  - i) Temperature of the vent stream at the catalyst bed inlet is more than 28 C below the average temperature of the inlet vent stream established as a requirement of subsection (b)(4)(C)(iii); or
  - ii) Temperature difference across the catalyst bed is less than 80 percent of the design average temperature difference established as a requirement of subsection (b)(4)(C)(ii).

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- i) Temperature of the vent stream at the catalyst bed inlet is more than 28 C below the average temperature of the inlet vent stream established as a requirement of subsection (b)(4)(C)(iii); or
- ii) Temperature difference across the catalyst bed is less than 80 percent of the design average temperature difference established as a requirement of subsection (b)(4)(C)(ii).

- D) For a boiler or process heater, any period when:

- i) Flame zone temperature is more than 28 C below the design average flame zone temperature established as a requirement of subsection (b)(4)(C)(iii); or

- ii) Position changes where the vent stream is introduced to the combustion zone from the location established as a requirement of subsection (b)(4)(C)(iii).

- E) For a flare, period when the pilot flame is not ignited.

- F) For a condenser that complies with Section 724.933(f)(2)(F)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the condenser are more than 20 percent greater than the design outlet organic compound concentration level established as a requirement of subsection (b)(4)(C)(iv).

- G) For a condenser that complies with Section 724.933(f)(2)(F)(ii), any period when:

- i) Temperature of the exhaust vent stream from the condenser is more than 6 C above the design average exhaust vent stream temperature established as a requirement of subsection (b)(4)(C)(v).
- ii) Temperature of the coolant fluid exiting the condenser is more than 6 C above the design average coolant fluid temperature at the condenser outlet established as a requirement of subsection (b)(4)(C)(v).



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H) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 724.933(f)(2)(G)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the carbon bed are more than 20 percent greater than the design exhaust vent stream organic compound concentration level established as a requirement of subsection (b)(4)(C)(vi).

I) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 724.933(f)(2)(G)(ii), any period when the vent stream continues to flow through the control device beyond the predetermined carbon bed regeneration time established as a requirement of subsection (b)(4)(C)(vi).

5) Explanation for each period recorded under subsection (c)(4) of the cause for control device operating parameter exceeding the design value and the measures implemented to correct the control device operation.

6) For a carbon adsorption system operated subject to requirements specified in Section 724.933(g) or (h)(2), any date when existing carbon in the control device is replaced with fresh carbon.

7) For a carbon adsorption system operated subject to requirements specified in Section 724.933(h)(1), a log that records:

- A) Date and time when control device is monitored for carbon breakthrough and the monitoring device reading.
- B) Date when existing carbon in the control device is replaced with fresh carbon.

8) Date of each control device startup and shutdown.

d) Records of the monitoring, operating and inspection information required by subsections (c)(3) through (8) need be kept only 3 years.

e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser or carbon adsorption system, the Agency shall specify the appropriate recordkeeping requirements.

f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 724.932, including supporting documentation as required by Section 724.934(d)(2), when application of the knowledge of the nature of the hazardous wastewater or the process by which it was produced is used, must be recorded in a log that is kept in the facility operating record.

(Source: Added at 15 Ill. Reg. , effective )

Section 724.936 Reporting Requirements

a) A semiannual report must be submitted by owners and operators subject to the requirements of this Subpart to the Agency by dates specified in the RCRA permit. The report must include the following information:

1) The US EPA identification number (35 Ill. Adm. Code 722.112), name, and address of the facility.

2) For each month during the semiannual reporting period:

a) Dates when the control device:

i) Exceeded or operated outside of the design specifications as defined in Section 724.935(c)(4) and

ii) Such exceedances were not corrected within 24 hours, or that a flare operated with visible emissions as defined by Method 22 monitoring

B) The duration and cause of each exceedance or visible emissions, and

C) Any corrective measures taken.

b) If during the semiannual reporting period, the control device does not exceed or operate outside of the design specifications as defined in Section 724.935(c)(4) for more than 24 hours or a flare does not operate with visible emissions as defined in Section 724.933(d), a report to the Agency is not required.



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(Source: Added at 15 Ill. Reg. , effective )

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 724.950 Applicability

- a) The regulations in this Subpart apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in Section 724.101).
- b) Except as provided in Section 724.964(k), this Subpart applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in:

- 1) Units that are subject to the RCRA permitting requirements of 35 Ill. Adm. Code 703, or
- 2) Hazardous waste recycling units that are located on hazardous waste management facilities otherwise subject to the permitting requirements of 35 Ill. Adm. Code 703.

- c) If the owner or operator of equipment subject to the requirements of Sections 724.952 through 724.965 has received a RCRA permit prior to December 21, 1990, the requirements of Sections 724.952 through 724.965 must be incorporated when the permit is reissued under 35 Ill. Adm. Code 705.201 or reviewed under 35 Ill. Adm. Code 702.161.

- d) Each piece of equipment to which this Subpart applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.

- e) Equipment that is in vacuum service is excluded from the requirements of Sections 724.952 to 724.960, if it is identified as required in Section 724.964(q)(5).

BOARD NOTE: The requirements of Sections 724.952 through 724.965 apply to equipment associated with hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104, 722.134 and 724.101(a) are not affected by these requirements.

(Source: Added at 15 Ill. Reg. , effective )

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Section 724.951 Definitions

As used in this Subpart, all terms have the meaning given them in Section 724.931, the Resource Conservation and Recovery Act and 35 Ill. Adm. Code 720 through 726.

(Source: Added at 15 Ill. Reg. , effective )

Section 724.952 Standards: Pumps in Light Liquid Service

a) Monitoring

- 1) Each pump in light liquid service must be monitored monthly to detect leaks by the methods specified in Section 724.963(b), except as provided in subsections (d), (e) and (f).
- 2) Each pump in light liquid service must be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

b) Leaks

- 1) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- 2) If there are indications of liquids dripping from the pump seal, a leak is detected.

c) Repairs

- 1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 724.959.
- 2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than 5 calendar days after each leak is detected.

- d) Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of subsection (a), provided the following requirements are met:

- 1) Each dual mechanical seal system must be:

- A) Operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressures; or



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- B) Equipped with a barrier fluid degassing reservoir that is connected by a closed-vent system to a control device that complies with the requirements of Section 724.960; or
- C) Equipped with a system that purges the barrier fluid into a hazardous wastestream with no detectable emissions to the atmosphere.
- 2) The barrier fluid system must not be a hazardous waste with organic concentrations 10 percent or greater by weight.
- 3) Each barrier fluid system must be equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.
- 4) Each pump must be checked by visual inspection, each calendar week, for indications of liquids dripping from the pump seals.
- 5) Alarms
- A) Each sensor as described in subsection (d)(3) must be checked daily or be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly.
- B) The owner or operator shall determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.
- 6) Leaks
- A) If there are indications of liquids dripping from the pump seal or the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined in subsection (d)(5)(B), a leak is detected.
- B) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 724.959.

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- C) A first attempt at repair (e.g., relapping the seal) must be made no later than 5 calendar days after each leak is detected.
- e) Any pump that is designated, as described in Section 724.964(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsections (a), (c) and (d), if the pump meets the following requirements:
- 1) Must have no externally actuated shaft penetrating the pump housing.
- 2) Must operate with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background as measured by the methods specified in Section 724.963(c).
- 3) Must be tested for compliance with subsection (e)(2) initially upon designation, annually and at other times as specified in the RCRA permit.
- f) If any pump is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal or seals to a control device that complies with the requirements of Section 724.960, it is exempt from the requirements of subsections (a) through (e).
- (Source: Added at 15 Ill. Reg. , effective )
- Section 724.953 Standards: Compressors
- a) Each compressor must be equipped with a seal system that includes a barrier fluid system and that prevents leakage of total organic emissions to the atmosphere, except as provided in subsections (h) and (i).
- b) Each compressor seal system as required in subsection (a) must be:
- 1) Operated with the barrier fluid at a pressure that is at all times greater than the compressor stuffing box pressure; or
- 2) Equipped with a barrier fluid system that is connected by a closed-vent system to a control device that complies with the requirements of Section 724.960; or
- 3) Equipped with a system that purges the barrier fluid into a hazardous wastestream with no detectable emissions to atmosphere.



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- c) The barrier fluid must not be a hazardous waste with organic concentrations 10 percent or greater by weight.
- d) Each barrier fluid system as described in subsections (a) through (c) must be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.
- e) 1) Each sensor as required in subsection (d) must be checked daily or must be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly unless the compressor is located within the boundary of an unmanned plant site, in which case the sensor must be checked daily.
- 2) The owner or operator shall determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.
- f) If the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined under subsection (e)(2), a leak is detected.
- g) Repairs
- 1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 724.959.
- 2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than 5 calendar days after each leak is detected.
- h) A compressor is exempt from the requirements of subsections (a) and (b) if it is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal to a control device that complies with the requirements of Section 724.960, except as provided in subsection (i).
- i) Any compressor that is designated, as described in Section 724.964(d)(2), for no detectable emission as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsections (a) through (h) if the compressor:
- 1) Is determined to be operating with no detectable emissions, as indicated by an instrument reading of less than 500 ppm

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- above background, as measured by the method specified in Section 724.963(c).
- 2) Is tested for compliance with subsection (i)(1) initially upon designation, annually and other times as specified in the RCRA permit.
- (Source: Added at 15 Ill. Reg. , effective )
- Section 724.954 Standards: Pressure Relief Devices in Gas/Vapor Service
- a) Except during pressure releases, each pressure relief device in gas/vapor service must be operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background as measured by the method specified in Section 724.963(c).
- b) Actions following pressure release.
- 1) After each pressure release, the pressure relief device must be returned to a condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as soon as practicable, but no later than 5 calendar days after each pressure release, except as provided in Section 724.959.
- 2) No later than 5 calendar days after the pressure release, the pressure relief device must be monitored to confirm the condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 724.963(c).
- c) Any pressure relief device that is equipped with a closed-vent system capable of capturing and transporting leakage from the pressure relief device to a control device as described in Section 724.960 is exempt from the requirements of subsections (a) and (b).
- (Source: Added at 15 Ill. Reg. , effective )
- Section 724.955 Standards: Sampling Connecting Systems
- a) Each sampling connection system must be equipped with a closed purge system or closed-vent system.
- b) Each closed-purge system or closed-vent system as required in subsection (a) must:



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- 1) Return the purged hazardous waste stream directly to the hazardous waste management process line with no detectable emissions to atmosphere; or
  - 2) Collect and recycle the purged hazardous waste stream with no detectable emissions to atmosphere; or
  - 3) Be designed and operated to capture and transport all the purged hazardous wastestream to a control device that complies with the requirements of Section 724.960.
- c) In situ sampling systems are exempt from the requirements of subsections (a) and (b).
- (Source: Added at 15 Ill. Reg. , effective )
- Section 724.956 Standards: Open-ended Valves or Lines
- a) Equipment.
    - 1) Each open-ended valve or line must be equipped with a cap, blind flange, plug or a second valve.
    - 2) The cap, blind flange, plug or second valve must seal the open end at all times except during operations requiring hazardous wastestream flow through the open-ended valve or line.
  - b) Each open-ended valve or line equipped with a second valve must be operated in a manner such that the valve on the hazardous wastestream end is closed before the second valve is closed.
  - c) When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves but must comply with subsection (a) at all other times.
- (Source: Added at 15 Ill. Reg. , effective )
- Section 724.957 Standards: Valves in Gas/Vapor or Light Liquid Service
- a) Each valve in gas/vapor or light liquid service must be monitored monthly to detect leaks by the methods specified in Section 724.963(b) and must comply with subsections (b) through (e), except as provided in subsections (f), (g) and (h), and in Section 724.961 and 724.962.

- b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- c) Monitoring Frequency
  - 1) Any valve for which a leak is not detected for two successive months must be monitored the first month of every succeeding quarter, beginning with the next quarter, until a leak is detected.
  - 2) If a leak is detected, the valve must be monitored monthly until a leak is not detected for two successive months.
  - 3) When a leak is detected, it must be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in Section 724.959.
  - 4) A first attempt at repair must be made no later than 5 calendar days after each leak is detected.
- e) First attempts at repair include, but are not limited to the following best practices where practicable:
  - 1) Tightening of bonnet bolts.
  - 2) Replacement of bonnet bolts.
  - 3) Tightening of packing gland nuts.
  - 4) Injection of lubricant into lubricated packing.
- f) Any valve that is designated, as described in Section 724.964(q)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsection (a) if the valve:
  - 1) Has no external actuating mechanism in contact with the hazardous wastestream.
  - 2) Is operated with emissions less than 500 ppm above background as determined by the method specified in Section 724.963(c).
  - 3) Is tested for compliance with subsection (f)(2) initially upon designation, annually, and at other times as specified in the RCRA permit.



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- g) Any valve that is designated, as described in Section 724.964(h)(1), as an unsafe-to-monitor valve is exempt from the requirements of subsection (a), if:
- 1) The owner or operator of the valve determines that the valve is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (a).
  - 2) The owner or operator of the valve adheres to a written plan that requires monitoring of the valve as frequently as practicable during safe-to-monitor times.
- h) Any valve that is designated, as described in Section 724.964(h)(2), as a difficult-to-monitor valve is exempt from the requirements of subsection (a), if:
- 1) The owner or operator of the valve determines that the valve cannot be monitored without elevating the monitoring personnel more than 2 meters above a support surface;
  - 2) The hazardous waste management unit within which the valve is located was in operation before June 21, 1990; and
  - 3) The owner or operator of the valve follows a written plan that requires monitoring of the valve at least once per calendar year.

(Source: Added at 15 Ill. Reg. , effective )

Section 724.958 Standards: Pumps, Valves, Pressure Relief Devices and Other Connectors

- a) Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service and flanges and other connectors must be monitored within 5 days by the method specified in Section 724.963(b), if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method.
- b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- c) Repairs
  - 1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 724.959.

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- 2) The first attempt at repair must be made no later than 5 calendar days after each leak is detected.
  - d) First attempts at repair include, but are not limited to, the best practices described under Section 724.957(e).
- (Source: Added at 15 Ill. Reg. , effective )
- Section 724.959 Standards: Delay of Repair
- a) Delay of repair of equipment for which leaks have been detected is allowed if the repair is technically infeasible without a hazardous waste management unit shutdown. In such a case, repair of this equipment must occur before the end of the next hazardous waste management unit shutdown.
  - b) Delay of repair of equipment for which leaks have been detected is allowed for equipment that is isolated from the hazardous waste management unit and that does not continue to contain or contact hazardous waste with organic concentrations at least 10 percent by weight.
  - c) Delay of repair for valves is allowed if:
    - 1) The owner or operator determines that emissions of purged material resulting from immediate repair are greater than the emissions likely to result from delay of repair.
    - 2) When repair procedures are effected, the purged material is collected and destroyed or recovered in a control device complying with Section 724.960.
  - d) Delay of repair for pumps is allowed if:
    - 1) Repair requires the use of a dual mechanical seal system that includes a barrier fluid system.
    - 2) Repair is completed as soon as practicable, but not later than 6 months after the leak was detected.
  - e) Delay of repair beyond a hazardous waste management unit shutdown is allowed for a valve if valve assembly replacement is necessary during the hazardous waste management unit shutdown. Valve assembly supplies have been depleted, and valve assembly supplies had been sufficiently stocked before the supplies were depleted. Delay of repair beyond the next hazardous waste management unit shutdown is not allowed unless the next hazardous waste management



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unit shutdown occurs sooner than 6 months after the first hazardous waste management unit shutdown.

(Source: Added at 15 Ill. Reg., effective )

Section 724.960 Standards: Closed-vent Systems and Control Devices

Owners or operators of closed-vent systems and control devices shall comply with the provisions of Section 724.933.

(Source: Added at 15 Ill. Reg., effective )

Section 724.961 Alternative Percentage Standard for Valves

a) An owner or operator subject to the requirements of Section 724.957 may elect to have all valves within a hazardous waste management unit comply with an alternative standard which allows no greater than 2 percent of the valves to leak.

b) The following requirements must be met if an owner or operator decides to comply with the alternative standard of allowing 2 percent of valves to leak:

1) An owner or operator shall notify the Agency that the owner or operator has elected to comply with the requirements of this Section.

2) A performance test as specified in subsection (c) must be conducted initially upon designation, annually and other times specified in the RCRA permit.

3) If a valve leak is detected it must be repaired in accordance with Section 724.957(d) and (e).

c) Performance tests must be conducted in the following manner:

1) All valves subject to the requirements in Section 724.957 within the hazardous waste management unit must be monitored within 1 week by the methods specified in Section 724.963(b).

2) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

3) The leak percentage must be determined by dividing the number of valves subject to the requirements in Section 724.957 for which leaks are detected by the total number of

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valves subject to the requirements in Section 724.957 within the hazardous waste management unit.

d) If an owner or operator decides to comply with this Section no longer, the owner or operator shall notify the Agency in writing that the work practice standard described in Section 724.957(a) through (e) will be followed.

(Source: Added at 15 Ill. Reg., effective )

Section 724.962 Skip Period Alternative for Valves

a) Election

1) An owner or operator subject to the requirements of Section 724.957 may elect for all valves within a hazardous waste management unit to comply with one of the alternative work practices specified in subsections (b)(2) and (3).

2) An owner or operator shall notify the Agency before implementing one of the alternative work practices.

b) Reduced Monitoring

1) An owner or operator shall comply with the requirements for valves, as described in Section 724.957, except as described in subsection (b)(2) and (3).

2) After two consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than 2 percent, an owner or operator may begin to skip one of the quarterly leak detection periods for the valves subject to the requirements in Section 724.957.

3) After five consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than 2 percent, an owner or operator may begin to skip three of the quarterly leak detection periods for the valves subject to the requirements in Section 724.957.

4) If the percentage of valves leaking is greater than 2 percent, the owner or operator shall monitor monthly in compliance with the requirements in Section 724.957, but may again elect to use this Section after meeting the requirements of Section 724.957(c)(1).

(Source: Added at 15 Ill. Reg., effective )



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## Section 724.963

## Test Methods and Procedures

- a) Each owner or operator subject to the provisions of this Subpart shall comply with the test methods and procedures requirements provided in this Section.
- b) Leak detection monitoring, as required in Sections 724.952 through 724.962, must comply with the following requirements:
- 1) Monitoring must comply with Reference Method 21 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.
  - 2) The detection instrument must meet the performance criteria of Reference Method 21.
  - 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
  - 4) Calibration gases must be:
    - A) Zero air (less than 10 ppm of hydrocarbon in air).
    - B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than 10,000 ppm methane or n-hexane.
  - 5) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
- c) When equipment is tested for compliance with no detectable emissions, as required in Sections 724.952(e), 724.953(i), 724.954 and 724.957(f), the test must comply with the following requirements:
- 1) The requirements of subsections (b)(1) through (4) apply.
  - 2) The background level must be determined as set forth in Reference Method 21.
  - 3) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
  - 4) This arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

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- d) In accordance with the waste analysis plan required by Section 724.113(b), an owner or operator of a facility shall determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using the following:
- 1) Methods described in ASTM Methods D 2267, E 169, E 168, E 260 incorporated by reference in 35 Ill. Adm. Code 720.111.
  - 2) Method 9060 or 8240 of SM-846, incorporated by reference in 35 Ill. Adm. Code 720.111; or
  - 3) Application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced. Documentation of a waste determination by knowledge is required. Examples of documentation that must be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to have a total organic content less than 10 percent, or prior speciation analysis results on the same wastestream where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.
- e) If an owner or operator determines that a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the determination can be revised only after following the procedures in subsection (d)(1) or (2).
- f) When an owner or operator and the Agency do not agree on whether a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the procedures in subsection (d)(1) or (2) must be used to resolve the dispute.
- g) Samples used in determining the percent organic content must be representative of the highest total organic content hazardous waste that is expected to be contained in or contact the equipment.
- h) To determine if pumps or valves are in light liquid service, the vapor pressures of constituents must either be obtained from standard reference texts or be determined by ASTM D-2879 incorporated by reference in 35 Ill. Adm. Code 720.111.



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- i) Performance tests to determine if a control device achieves 95 weight percent organic emission reduction must comply with the procedures of Section 724.934(c)(1) through (4).

(Source: Added at 15 Ill. Reg. , effective )

## Section 724.964 Recordkeeping Requirements

## a) Lumping Units

- 1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.
- 2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

## b) Owners and operators shall record the following information in the facility operating record:

- 1) For each piece of equipment to which this Subpart applies:

- A) Equipment identification number and hazardous waste management unit identification.
  - B) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).
  - C) Type of equipment (e.g., a pump or pipeline valve).
  - D) Percent-by-weight total organics in the hazardous wastestream at the equipment.
  - E) Hazardous waste state at the equipment (e.g., gas/vapor or liquid).
  - F) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").
- 2) for facilities than comply with the provisions of Section 724.933(a)(2), an implementation schedule as specified in that Section.

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- 3) Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan as specified in Section 724.935(b)(3).
  - 4) Documentation of compliance with Section 724.960, including the detailed design documentation or performance test results specified in Section 724.935(b)(4).
- c) When each leak is detected as specified in Sections 724.952, 724.953, 724.957 or 724.958, the following requirements apply:
- 1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with Section 724.958(a), and the date the leak was detected, must be attached to the leaking equipment.
  - 2) The identification on equipment except on a valve, may be removed after it has been repaired.
  - 3) The identification on a valve may be removed after it has been monitored for 2 successive months as specified in Section 724.957(c) and no leak has been detected during those 2 months.
- d) When each leak is detected as specified in Sections 724.952, 724.953, 724.957 or 724.958, the following information must be recorded in an inspection log and must be kept in the facility operating record:
- 1) The instrument and operator identification numbers and the equipment identification number.
  - 2) The date evidence of a potential leak was found in accordance with Section 724.958(a).
  - 3) The date the leak was detected and the dates of each attempt to repair the leak.
  - 4) Repair methods applied in each attempt to repair the leak.
  - 5) "Above 10,000", if the maximum instrument reading measured by the methods specified in Section 724.963(b) after each repair attempt is equal to or greater than 10,000 ppm.



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- 6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
- 7) Documentation supporting the delay of repair of a valve in compliance with Section 724.959(c).
- 8) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown.
- 9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.
- 10) The date of successful repair of the leak.
- e) Design documentation and monitoring, operating and inspection information for each closed-vent system and control device required to comply with the provisions of Section 724.960 must be recorded and kept up-to-date in the facility operating record as specified in Section 724.935(c)(1) and (2), and monitoring, operating and inspection information in Section 724.935(c)(3) through (8).
- f) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the Agency shall specify the appropriate recordkeeping requirements, indicating proper operation and maintenance of the control device, in the RCRA permit.
- g) The following information pertaining to all equipment subject to the requirements in Sections 724.952 through 724.960 must be recorded in a log that is kept in the facility operating record:

- 1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subpart.
- 2) List of Equipment
  - A) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of Sections 724.952(e), 724.953(i) and 724.957(f).

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- B) The designation of this equipment as subject to the requirements of Sections 724.952(e), 724.953(i) or 724.957(f) must be signed by the owner or operator.
- 3) A list of equipment identification numbers for pressure relief devices required to comply with Section 724.954(a).
- 4) Compliance tests.
  - A) The dates of each compliance test required in Sections 724.952(e), 724.953(i), 724.954 and 724.957(f).
  - B) The background level measured during each compliance test.
  - C) The maximum instrument reading measured at the equipment during each compliance test.
- 5) A list of identification numbers for equipment in vacuum service.
  - h) The following information pertaining to all valves subject to the requirements of Section 724.957(g) and (h) must be recorded in a log that is kept in the facility operating record:
    - 1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve.
    - 2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.
  - i) The following information must be recorded in the facility operating record for valves complying with Section 724.962:
    - 1) A schedule of monitoring.
    - 2) The percent of valves found leaking during each monitoring period.
  - j) The following information must be recorded in a log that is kept in the facility operating record:
    - 1) Criteria required in Section 724.952(d)(5)(B) and 724.953(e)(2) and an explanation of the design criteria.



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- 2) Any changes to these criteria and the reasons for the changes.
- k) The following information must be recorded in a log that is kept in the facility operating record for use in determining exemptions as provided in Section 724.950 and other specific Subparts:
- 1) An analysis determining the design capacity of the hazardous waste management unit.
  - 2) A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in Sections 724.960 and an analysis determining whether these hazardous wastes are heavy liquids.
  - 3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in Sections 724.952 through 724.960. The record must include supporting documentation as required by Section 724.963(d)(3) when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in Sections 724.952 through 724.960, then a new determination is required.
- l) Records of the equipment leak information required by subsection (d) and the operating information required by subsection (e) need be kept only 3 years.
- m) The owner or operator of any facility that is subject to this Subpart and to regulations at 40 CFR 60, Subpart VV, or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to determine compliance with this Subpart by documentation either pursuant to Section 724.964, or pursuant to those provisions of 40 CFR 60 or 61, to the extent that the documentation under the regulation at 40 CFR 60 or 61 duplicates the documentation required under this Subpart. The documentation under the regulation at 40 CFR 60 or 61 must be kept with or made readily available with the facility operating record.

(Source: Added at 15 Ill. Reg. , effective )

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section 724.965 Reporting Requirements

- a) A semiannual report must be submitted by owners and operators subject to the requirements of this Subpart to the Agency by dates specified in the RCRA permit. The report must include the following information:
- 1) The USEPA identification number (35 Ill. Adm. Code 722.112), name, and address of the facility.
  - 2) For each month during the semiannual reporting period:
    - A) The equipment identification number of each valve for which a leak was not repaired as required in Section 724.957(d).
    - B) The equipment identification number of each pump for which a leak was not repaired as required in Sections 724.952(c) and (d)(6).
    - C) The equipment identification number of each compressor for which a leak was not repaired as required in Section 724.953(g).
    - 3) Dates of hazardous waste management unit shutdowns that occurred within the semiannual reporting period.
    - 4) For each month during the semiannual reporting period, dates when the control device installed as required by Sections 724.952, 724.953, 724.954 or 724.955, exceeded or operated outside of the design specifications as defined in Section 724.964(e) and as indicated by the control device monitoring required by Section 724.960 and was not corrected within 24 hours, the duration and cause of each exceedance, and any corrective measures taken.
  - b) If, during the semiannual reporting period, leaks from valves, pumps and compressors are repaired as required in Sections 724.957(d), 724.952(c) and (d)(6), and 724.953(g), respectively, and the control device does not exceed or operate outside of the design specifications as defined in Section 724.964(e) for more than 24 hours, a report to the Agency is not required.

(Source: Added at 15 Ill. Reg. , effective )



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

- 2) Code Citation: 35 Ill. Adm. Code 726

- 3) Section Numbers: Proposed Action:

726.132 Repeal

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1022.4 and 1027.

- 5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion and Order in this matter, R90-11, on December 20, 1990. A copy of the Proposed Opinion is available at the address below.

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par 1022.4(a)) requires the Board to adopt regulations which are identical in substance to regulations promulgated by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act. The USEPA regulations, which deal with hazardous waste, are found in 40 CFR 260 through 270. The equivalent Board regulations are found in 35 Ill. Adm. Code 702, 703, 705 and 720 through 728.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1007.2). Section 22.4(a) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCRR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments during the period April 1 through June 30, 1990. The amendment to Part 726 corrects an editorial error in R86-1. Section 726.136 should have been repealed, based on 50 Fed. Reg. 667, January 4, 1985.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed amendment contain incorporations by reference? No.

- 9) Are there any other amendments pending on this Part? No.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-11 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 14, 1990.

- B) Types of small businesses affected:

The existing rules affect small businesses which generate, transport, treat, store or dispose of hazardous waste. The present amendment is a repeal.

- C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analysis and maintenance of operating records.

- D) Types of professional skills required for compliance:

Compliance with the existing rules may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendment begins on the next page.

## POLLUTION CONTROL BOARD

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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 726

STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE  
AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIESSUBPART C: RECYCLABLE MATERIALS USED IN A MANNER  
CONSTITUTING DISPOSAL

Section  
726.120  
726.121  
726.122  
726.123

Applicability  
Standards applicable to generators and transporters of materials used in a manner that constitutes disposal  
Standards applicable to storers, who are not the ultimate users, of materials that are to be used in a manner that constitutes disposal  
Standards applicable to users of materials that are used in a manner that constitutes disposal

## SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section  
726.130  
726.131  
726.132  
726.133  
726.134  
726.135  
726.136

Applicability  
Prohibitions  
Standards applicable to generators of hazardous waste fuel (Repealed)  
Standards applicable to transporters of hazardous waste fuel  
Standards applicable to marketers of hazardous waste fuel  
Standards applicable to burners of hazardous waste fuel  
Conditional exemption for spent materials and by-products exhibiting a characteristic of hazardous waste

## SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY

Section  
726.140  
726.141  
726.142  
726.143  
726.144

Applicability  
Prohibitions  
Standards applicable to generators of used oil burned for energy recovery  
Standards applicable to marketers of used oil burned for energy recovery  
Standards applicable to burners of used oil burned for energy recovery

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL  
RECOVERY

Section  
726.170

Applicability and requirements



## POLLUTION CONTROL BOARD

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## SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Section 726.180 Applicability and requirements

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. , effective

## SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section 726.132 Standards applicable to generators of hazardous waste fuel  
(Repealed)

a) Generators of hazardous waste fuel are subject to the requirements of 35 Ill. Adm. Code 722 except that Section 726.136 exempts certain spent materials and by-products from these provisions;

b) Generators who are marketers also shall comply with Section 726.134;

c) Generators who are burners also shall comply with Section 726.135.

(Source: Repealed at 15 Ill. Reg. , effective )

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Architecture Act

2) Code Citation: 68 Ill. Adm. Code 1150

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Section Numbers:</u>	<u>Proposed Action:</u>
1150.20	Amending	1150.70	Amending
1150.30	Amending	1150.80	Amending
1150.40	Amending	1150.90	Amending
1150.50	Amending	1150.100	Amending
1150.60	Amending	1150.110	Amending
1150.65	Adding	1150.111	Adding

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111, pars. 1301, 1308, 1310-1313, 1315-1318, 1321, 1322, 1331, 1340.

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking implements the rewrite of The Illinois Architecture Practice Act of 1989.

Various technical, typographical and format changes have been made.

The terms certificate of registration, registrant, and registration have been changed to license, licensure, and licensee throughout. Several references to "experience were changed to "training."

The name of the Architect Examining Committee has been changed to the Architect Licensing Board.

The name "National Council of Architectural Registration Boards" has been substituted with its acronym "NCARB" throughout.

In Section 1150.20, which lists education and diversified professional training/experience necessary to sit for the examination, subsection (a)(3) was added to allow for a professional 4-year baccalaureate degree in architecture from a program acceptable for direct entry into a professional master of architecture degree plus 5 years of approved training.

Section 1150.30, pertaining to application for examination, will require the applicant to complete all experience prior to sitting for the examination.



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Section 1150.40 pertaining to examination, has been modified. If an applicant does not pass the examination within 6 years after application, the application shall be denied. However, the applicant may make a new application for examination accompanied by the required fee and proof of meeting the qualifications for examination in effect at the time of the new application. Scores from divisions of the examination already passed under a previous application may be carried over and applied to subsequent applications.

Section 1150.50 pertaining to approved architecture programs, has been modified. The following has been added to the criteria that the Board shall consider in approving architecture programs: 1) Whether the program has a curriculum which confers a first professional degree in architecture and is accredited by the NAAB; and 2) Whether the program has a curriculum which confers a pre-professional four year degree accepted for direct entry into a professional master of architecture degree program. Also, until January 1, 1995, applicants will be accepted who have completed their education prior to January 1, 1991, from a program of at least 4 academic years pursuant to subsection (a)(6).

Section 1150.60 pertaining to registration by endorsement, has been modified to refer to this method of licensure as licensure by endorsement. Applicants shall submit a work history since graduation from an architecture program. In individual cases, upon the recommendation of the Board, the Department may waive the examination requirement.

Section 1150.65 is new and pertains to inactive status. This Section outlines the procedures whereby an individual may elect to place his license on inactive status.

Section 1150.70 pertaining to restoration of a license, has been modified to remain consistent with the Act, particularly where it concerns the period of time in which a license has been expired, or placed on inactive status. Also, subsection (c)(3) pertaining to other evidence of continued practice, has been modified.

Section 1150.80 pertaining to corporations and partnerships, has been modified to require a list of all office locations in Illinois at which the corporation or partnership provides architectural services. Also, Each individual architectural office maintained for the preparation of drawings, specifications, reports or other professional work shall have a resident architect(s), licensed in Illinois and regularly employed in that office, having direct supervision and control of such work. In addition, each corporation or partnership shall be responsible for notifying the Department of a termination or a change in status of the managing agent(s).

## DEPARTMENT OF PROFESSIONAL REGULATION

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Section 1150.90 pertaining to standards of professional conduct, has been modified considerably. This Section has been divided into five primary categories as follows: 1) competence; 2) conflict of interest; 3) full disclosure; 4) compliance with laws; and 5) professional conduct.

Section 1150.100 pertaining to renewals, has been modified to provide for a renewal period for corporations and partnerships.

Illustration A has been added and pertains to architect seal requirements.

6) Will these proposed amendments replace an emergency Rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed Rules pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable):

There is no statement of statewide policy objective.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0800

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 4, 1991

B) Types of small businesses affected: Businesses that provide architectural services

C) Reporting, bookkeeping or other procedures required for compliance:



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Each corporation or partnership shall be responsible for notifying the Department, in writing, by certified mail, within 10 business days of a termination or change in status of the managing agent(s). Thereafter, the corporation or partnership, if it has so informed the Department, has 30 days to notify the Department of the name and license number of the architect licensed in Illinois who is the newly designated managing agent(s).

## D) Types of professional skills necessary for compliance:

Architecture skills are necessary for licensure.

The full text of the Proposed amendments begins on the next page.

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1150

## ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989

Section  
1150.20

Approved Education and ~~or~~ Experience Diversified Professional Training/Experience  
Application for Licensure by Examination  
Examination  
Approved Architecture Programs  
Registration Licensure by Endorsement  
Inactive Status  
Restoration  
Corporations and Partnerships  
Standards of Professional Conduct  
Renewals  
Granting Variances  
1150.110  
1150. Illustration A Architect Seal Requirements

AUTHORITY: Implementing The Illinois Architecture Act of 1989 (Ill. Rev. Stat. 1989, ch. 111, par. 1301 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 60(7)).

SOURCE: Rules and Regulations Promulgated for the Administration of The Illinois Architecture Practice Act of 1989, effective May 29, 1975; amended May 12, 1977; codified at 5 Ill. Reg. 11019; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 7658, effective June 15, 1983; amended at 9 Ill. Reg. 5691, effective April 16, 1985; amended at 11 Ill. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. Code 150 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1150 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2933; amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1150.20 Approved Education and ~~or~~ Experience Diversified Professional Training/Experience

- a) The experience education and diversified professional training/experience ("training") necessary for examination for licensure, as required by Section 5-13 of the Act, may ~~shall~~ be acquired earned in the following manner: described below:



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- a) 1) A 6-year professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB) plus 2 years approved experience training;
- b) 2) A 5-year professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB) plus 3 years approved experience training;
- 3) A professional 4-year baccalaureate degree in architecture from a program acceptable for direct entry into a professional master of architecture degree plus 5 years of approved training;
- c) 4) Until January 1, 1995, a A degree in architecture from a program not accredited by NAAB but approved pursuant to the provisions of Section 1150.50;
- 1) A) Master's degree plus 4 years' of approved experience training;
- 2) B) 5-year bachelor's degree plus 4.5 years' of approved experience training;
- 3) C) 4-year bachelor's degree plus 5 years' of approved experience training;
- d) D) A 4-year degree in an architecture-related field or from a program which does not meet the requirements of Section 1150.50 plus 6 years of approved experience training. For the purposes of this Section the Department, upon recommendation of the Architect Examining Committee Illinois Architecture Licensing Board (the "Board"), has determined an architecture-related field as:
- landscape architecture,  
interior design,  
building technology,  
construction management,  
urban design and planning, and engineering  
historic preservation.
- e) E) A 4-year or more nonarchitectural degree from an approved college plus 7 years' of approved experience training;
- f) Until January 1, 1995, a 2-year degree from a junior college, technical school or technical program in a senior college plus 6.5 years' approved experience;
- g) Until January 1, 1995, a high school diploma plus 8 years' approved experience. To reduce the required experience, credit will be given for college courses not leading to a degree in the following manner:

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- 1) Credit for .033 year's experience will be given for each semester-hour earned with a grade of C or better (maximum 1 1/2 years credit); or,
- 2) Credit for .022 year's experience will be given for each quarter-hour earned with a grade of C or better (maximum 10 years credit);
- b) Diversified Professional Training shall meet the following requirements:
- h) 1) In order to be approved all training experience shall must be acquired earned;
- 1) A) After graduation from high school After completion of two years of architecture or architectural related program; and
- 2) B) Under the direct instruction, control and supervision and control (as defined in Section 14 of the Act) of a licensed architect licensed in a jurisdiction of the United States of America or its territories.
- i) Definition of Approved Architectural Experience
- 1) 2) Approved training experience consists of successful performance of work relating to professional services, described in Section 2-5 of the Architecture Act, under the direct supervision of an architect-licensed in one of the 54 jurisdictions.
- 2) 3) To qualify for the examination, A candidate shall must have experience training in the office of a licensed registered architect which may include branches of Federal, State, County and Municipal governments and branches of the United States Armed Forces.
- 3) For the purposes of these experience requirements, a licensed architect is defined as an architect-licensed and in good standing in one of the 50 states, the District of Columbia, Guam, Puerto Rico or the United States Virgin Islands.
- 4) Any experience training claimed by an applicant shall must be validated by the supervising architect(s) on forms supplied by the Department.
- 5) Full-time employment with one employer of less than one month duration shall not be counted toward the experience training requirements of this Section.



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- 5) Part-time employment for periods in excess of two consecutive months shall be counted as one half week for each 20 hours of employment.
- 6) Full-time teaching experience of 2 academic years in an approved architecture program will be counted as 1 year training experience. A maximum of 1 year of training experience shall be given for teaching experience. Any teaching experience claimed must be validated by the chief administrative officer of the school offering the architectural program.
- 8) An applicant cannot earn more than 40 hours per week of approved training (i.e. overtime does not qualify for additional approved training). One year is considered to be a period of 52 weeks with a minimum of 35 hours per week.
- 9) In lieu of the above training, the Department shall accept the Intern Development Program of the American Institute of Architects-National Council of Architectural Registration Boards (NCARB).

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1150.30 Application for Licensure by Examination

- a) An applicant for licensure as an architect shall file an application on forms supplied by the Department at least 90 days prior to an examination date. The application shall include:

a) ~~Two recent photographs not larger than 2 1/2 by 2 1/2 inches;~~

- b) 1) Proof of having completed the necessary education and training through education and/or experience; as required by Section 1150.10 or 1150.20. The proof shall ~~not~~ be in the form of certifications of education completed by the school, college or university attended, and/or employer affidavit(s) attesting to experience earned under the direct instruction, control and supervision of a licensed architect, completed and signed by the architect; certification by the supervising architect.

- c) An applicant in an approved architecture program who meets the experience requirements as provided by Section 1150.20 will be admitted to the last examination prior to graduation if he provides certification from the dean of the approved architecture program that he is expected to graduate. If certification of graduation is not received within 90 days after the examination is taken, the results of the examination will be void.

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a) Applicant lacking final 3 months of experience

- 1) An applicant who has completed all but 3 months or less of his required experience by the final filing deadline for a particular examination will be permitted to sit for that examination.
- 2) No examination results or license shall be issued to the applicant until the Department receives a completed experience certification form verifying the actual completion of the required experience. If the verification is not received within 90 days after the examination is taken, the results of the examination will be void.
- 2) A complete work history indicating all professional architectural experience.
- 3) If such applicant has ever been licensed in another jurisdiction, certification from the jurisdiction of original licensure and certification from the jurisdiction of predominant active practice including the following:

A) The date of issuance of the applicant's license and the current status of such license;

B) The basis of licensure and a description of the examination by which the applicant was licensed, if any; and

C) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending against the applicant.

e) 4) The required fee.

b) An applicant shall complete the required training by the date of the application for examination to be permitted to sit for that examination.

f) This Section applies to all applicants upon adoption without regard to where an applicant is in the application process.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1150.40 Examination

- a) The examination for registration licensure as an architect is a single examination administered at least once a year and is prepared by the National Council of Architectural Registration Boards (NCARB).



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b) The examination shall consist<sup>6</sup> of, but not be limited to the following content areas:

- 1) Division A, Pre-Design;
- 2) Division B, Site Design (Graphic and Written);
- 3) Division C, Building Design, Building Systems;
- 4) Division D/E, Structural - General/Long Span;
- 5) Division E, Structural - Lateral Forces;
- 6) ~~Division F, Structural - Long Span;~~
- 7) Division G, Mechanical, Plumbing, Electrical and Life Safety Systems;
- 8) Division H, Materials and Methods;
- 9) Division I, Construction Documents and Services.

c) In order to be successful in the examination, an applicant shall ~~must~~ achieve a converted score of 75 or greater in each Division except as indicated in subsection (d) below.

d) Division C and a portion of Division B are ~~is-a~~ graphic design problems, which is are graded in accordance with evaluation criteria provided to applicants prior to the examination. Division C is graded with a score of either pass or fail.

e) All applicants who are in the process of taking the examination formerly administered by the Department will be integrated into the revised examination format and shall receive credit for previous examinations passed as follows:

Previous Examinations Passed	Credits to Architect Registration Examination (ARE) Divisions
Qualifying Section A	Division A (partial credit - see (f) below)
Section B	Divisions D, E, and F
Section C	Division H
Section D	Division G
Professional Section A	Divisions B and C
Section B I	
Section B II	Division A (partial credit - see (f) below)
Section B III	Divisions G and H
Section B IV	Division I

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f) In order to receive credit for Division A of the ARE, an applicant must pass both the Qualifying Examination, Section A, and the Professional Examination, Section B, Parts I and II.

g) Since the history and theory of architecture are is incorporated into all Divisions of the ARE, no credit will be given for only having passed the Qualifying Test--Section A, History. The only credit awarded for Section A will be partial credit towards Division A as outlined in subsection (f) above.

h) In order to be eligible for transfer credits for any parts of the Professional Examination -- Section B, the candidate must have passed three parts of the examination in one sitting, on or after December 1980.

i) Applicants Candidates shall ~~must~~, in all cases, pass Division A of the ARE if they have not passed Section A of the Qualifying Test even though the applicant ~~candidate~~ may have passed the Professional Examination Section B, Parts I and II.

j) All other applicants must take all Divisions in the first attempt.

k) If an applicant fails to pass an examination for licensure under this Act within six years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination accompanied by the required fee, and must furnish proof of meeting the qualification for examination in effect at the time of the new application (Section 12(f) of the Act). Scores from divisions of the examination already passed under a previous application shall be carried over and applied to subsequent applications.

~~k)~~ l) Applicants who fail to achieve the required passing score in any Section(s) Division(s) of the examination will be afforded unlimited opportunities to repeat the examination.

~~l)~~ m) The provisions of this Section shall be waived for an applicant ~~candidate~~ for licensure as an architect who makes application in form and substance satisfactory to the Department pursuant to the standards set forth in Section 1150.30 and causes to be filed with the Department, in addition to his application, proof of his successful completion of the National Council of Architects.

~~Registration Boards--(NCARB)~~ examination administered pursuant to the standards outlined above in another jurisdiction. Such proof of successful completion must be forwarded directly to the Department from the State in which the examination was taken.



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m) n) The Department shall, in individual cases, upon recommendation of the Committee Board, waive passage of one or more parts of the examination upon proof that the applicant has been lawfully engaged in the licensed practice of architecture in another jurisdiction for a minimum of five years and has provided evidence demonstrating competence in the area(s) of examination being considered for waiver. The applicant shall be required to appear before the Committee Board to and present work products representative of his current professional activities and other supporting data or information required by the Board which demonstrate to the Committee Board the individual's specific competence in the area in which waiver is requested. If an applicant has previously failed to pass a part or parts of the examination, he shall not be granted a waiver for that part or parts pursuant to this provision.

n) o) Divisions of the examination passed in another state will be accepted toward licensure in this state if the Division was not subsequently failed.

o) The provisions of this Section apply to all applicants upon adoption without regard to where the applicant is in the application process.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1150.50 Approved Architecture Programs

a) The Department shall, upon the recommendation of the Architect-Examining Committee Board, approve an architecture program as reputable and in good standing if it meets the following minimum criteria:

- 1) The educational institution is legally recognized and authorized by the academic jurisdiction in which it is located to confer the appropriate any of the degrees required for licensure in accordance with Section 1150.10(b), 1150.20(a).
- 2) Has a faculty which is comprised of a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence in their area of teaching as evidenced by appropriate degrees from reputable professional colleges or institutions, and
- 3) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.

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4) Has a curriculum which confers a first professional degree in architecture and is accredited by the NAAB;

5) Has a curriculum which confers a pre-professional 4-year degree accepted for direct entry into a professional master of architecture degree program; or

6) Until January 1, 1995, for applicants who have completed their education prior to January 1, 1990 1991, has a curriculum of at least 4 academic years which provides integration of the educational experience directed toward the development of the ability to apply knowledge to the identification and solution of practical problems and which encompasses the following:

A) Basic sciences including physics, chemistry and subjects from the other areas of life and earth sciences;

B) Architectural science courses in building technology basic sciences which assist the student to develop capabilities for recognition of problems through to formulation of creative solutions;

C) Architectural design courses which foster the development of critical evaluation of alternative choices based upon an awareness and responsibility to protect the for public health, safety and welfare;

D) Appropriate studio and laboratory experience as determined by the college or institution should shall be included in the program of each student; and

E) The overall curriculum must shall include a minimum of 120 semester hours or their equivalent and must shall include at least the following subjects:

- i) Advanced Mathematics - including calculus and analytical geometry - 8 hours
- ii) Basic Sciences - 8 hours
- iii) Architectural Sciences - 16 hours
- iv) Architectural Design - 18 hours - which may include up to 6 hours of art or freehand drawing
- v) Humanities/Social Studies - 12 hours
- vi) History of Architecture - 12 hours

4) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.



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- b) In determining whether a program should be approved, the Department shall take into consideration but not be bound by accreditation by the National Architectural Accrediting Board (NAAB).
- c) The Department, upon the recommendation of the ~~Architect-Examining~~ Committee Board, has determined that all architecture programs accredited by the ~~National Architectural Accrediting Board (NAAB)~~ as of January 1, 1983 1990, meet the minimum criteria set forth in subsection (a), above, for an approved architecture program and are, therefore, approved.

d) The Department, upon the recommendation of the ~~Architect-Examining~~ Committee Board, has determined it appropriate that each architectural program, other than a program referred to in paragraph subsection (c) above, from which graduates have been issued permanent licensure in Illinois since July 1, 1975, be deemed an approved architectural program for purposes of meeting the minimum criteria set forth in subsection paragraph (a) above, retrospectively and until such time as the Department, upon the recommendation of the Committee Board, determines that the program should be considered disapproved ~~or until July 1, 1993, whichever is earlier~~. The Committee, at its first regular meeting following July 1, 1983, and at its first regular meeting following July 1 of each year thereafter, shall select approximately one-tenth of the programs deemed approved under this paragraph for evaluation during that year and shall either approve or disapprove such programs in accordance with paragraphs (e) and (f) below.

e) Any recommendation by the Committee to approve an architectural program shall set forth the period of time covered by the evaluation and the specific date after which persons matriculating in that program shall be considered to have graduated from an approved program. Program approval shall operate from that date and prospectively thereafter, to include persons graduating no later than the tenth academic year beyond the last academic year covered by the evaluation.

f) Any recommendation by the Committee that an architectural program be disapproved shall set forth the period of time covered by the evaluation and shall set forth in what regard the program fails to satisfy the minimum requirements in paragraph (a) or state that the determination is based on the fact that the Committee has not received information in form and substance that would enable the Committee to make an informed, well-reasoned, complete and unbiased decision. In the event of a program previously approved pursuant to paragraphs (e), (d) and (c) above, the recommendation shall also set forth a date after which a person graduating shall be considered not to have graduated from an approved program.

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## g) e) Reevaluation

1) Any program disapproved for failure to satisfy the minimum requirements ~~for paragraph~~ set forth in subsection (a) may be reevaluated by the Committee Board upon the request of an applicant for a period of time previously evaluated only for good cause shown. In determining the existence of good cause, the Committee Board shall consider whether the applicant has raised an issue as to whether incorrect or insufficient information was provided during the original evaluation. If the program was disapproved based on the fact that the Committee Board has not received sufficient information concerning the program, it shall be reevaluated upon the request of any applicant who can present evidence that sufficient information for evaluation is now available.

2) The applicant at whose behest a reevaluation is conducted shall be required to submit such documentation as is deemed necessary to substantiate his that program's assertions. In addition, the Committee Board may request clarification or amplification of any documentation so submitted when additional clarification will aid in the reevaluation decision. Unless the Committee Board at its discretion grants an extension of time on its own motion or at the request of the applicant, it shall, no later than six months from the date of the request for reevaluation, either approve the program, disapprove the program for failure to satisfy the minimum requirements of paragraphs subsection (a), or disapprove the program based on the fact that the Committee Board has not received sufficient information concerning the program. An extension of time will be granted when such an extension is necessary in order to effect a fair, equitable and complete evaluation.

h) f) At its first regular meeting after July 1 of each year, the Committee The Board shall maintain authorize the publication of a list of all programs approved and disapproved as of July 1 of that year. Concurrently, the Committee shall authorize the publication of a list of programs to be evaluated during the ensuing year which shall be composed of programs required to be evaluated pursuant to paragraphs (c) and (d) above, and programs whose approval will expire at the end of the academic year next following. Such lists shall be provided to all approved architectural programs within the State of Illinois, and to any other person or organization making written request.

i) No determination by the Department to disapprove any program previously approved shall operate to disqualify an architect licensed in Illinois with respect to the license then held.



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g) Reevaluation of An Approved Program

- 1) Notwithstanding any other provision of this Section, the ~~Committee~~ Board may reevaluate any approved architectural program at any time if it has reason to believe that the program has failed to continue to satisfy the minimum requirements of ~~paragraph~~ subsection (a) or that its decision was based upon false, ~~or~~ deceptive or incomplete information.
- 2) ~~Any recommendation to approve or disapprove a program pursuant to this paragraph shall be subject to paragraphs (c), (d) and (f), except that, if the Committee Board has reason to believe there has been any fraud or dishonesty in the furnishing of any documentation for the evaluation of a program on the part of any licensee, it shall refer such matter to appropriate Department personnel for any disciplinary action which might be appropriate under the Act.~~
- 3) An architectural program whose approval is being reevaluated by the Department shall be given at least 15 days written notice prior to any recommendation by the ~~Committee Board~~ and the officials in charge may either submit written comments or request a hearing before the ~~Committee Board~~ in accordance with 68 Ill. Adm. Code.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1150.60 Registration Licensure by Endorsement

- a) ~~An applicant who holds an active license or registration. Any person who holds an unexpired certificate of registration to practice architecture, issued under the laws of another state, or territory or country, and who desires to become registered, licensed by endorsement shall file an application with the Department together with a recent photograph, the required fee specified in Section 14-19 of the Act (Ill. Rev. Stat. 1983, Ch. 111, par. 1-229) and either:~~
  - 1) Council Certification, issued by and forwarded directly to the Department by the National Council of Architectural-Registration Boards NCARB; or
  - 2) Other Proof of Qualifications and Licensure
    - A) Proof that he the applicant has met the requirements substantially equivalent to those in force in this state at the time of his original or subsequent licensure by written examination in the other ~~jurisdiction~~ state or territory, including certification of education, and affidavits of experience, ~~as appropriate~~ training.

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- B) A certification by the ~~jurisdiction~~ state or territory of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, stating including the following:
    - i) The date of issuance of the applicant's license and the current status of such license ~~The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;~~
    - ii) The basis of licensure and A description of the ~~written~~ ~~license~~ all examinations by which the applicant was licensed in that state or territory and the date of passage of any such examinations; and
    - iii) Whether the records ~~files~~ of the licensing authority contain any record of any disciplinary action taken or pending against the applicant;
  - C) ~~If the applicant is not currently licensed in the state of original licensure, a copy of a current license in another state.~~
- b) The required fee as set forth in Section 19 of the Act;
- c) A complete work history since graduation from an architecture program;
- d) The Department shall examine each endorsement application to determine whether the requirements in the ~~jurisdiction~~ state or territory of original or subsequent licensure by ~~examination~~ were comparable substantially equivalent to the requirements then in force in this state. The Department shall either issue a license by endorsement to the applicant or notify the applicant of the reason for the denial of the application.
- e) ~~The Department shall either issue a certificate of registration by endorsement to the applicant or notify him in writing of the reasons for the denial of his application within 60 days or within 15 days of the next available meeting of the Committee, whichever shall come first. An applicant not qualified for registration by endorsement will automatically be reviewed under the provisions of Section 1150.40.~~
- e) The Department may, in individual cases, upon recommendation of the Board in accordance with Section 18 of the Act, waive the examination requirement for an applicant for endorsement after full consideration of the applicant's architectural education, training and experience including, but not limited to, whether he has achieved special honors or awards, has had



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articles published in professional journals, has participated in writing textbooks relating to architecture, and any other attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in architecture. In accordance with Section 1150.40(m) the applicant shall be required to appear before the Board.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1150.65 Inactive Status

- a) Any licensed architect who notifies the Department in writing on forms prescribed by the Department may elect to place his license on inactive status and shall be excused from the payment of renewal fees until he notifies the Department in writing of his desire to resume active status.
- b) Any licensee seeking restoration from inactive status shall do so in accordance with Section 1150.70 of this Part.

- c) Any licensed architect whose license is on inactive status shall not practice architecture in the State of Illinois. Practicing or offering to practice architecture on a license which is on inactive status shall be grounds for discipline pursuant to Section 22 of the Act.

(Source: Added at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1150.70 Restoration

- a) A ~~registrant~~ licensee seeking restoration of his ~~certificate-of-registration~~ license which has expired for less than ~~two-(2)~~ three (3) years shall have his license restored upon payment of \$10 plus all lapsed renewal fees required by Sections 14 17 and 19 of the Act.
- b) A ~~registrant~~ licensee seeking restoration of his ~~certificate-of-registration~~ license which has been placed on inactive status for less than ~~two-(2)~~ three (3) years shall have his license restored upon payment of the current renewal fee as specified by Sections 14 17 and 19 of the Act.
- c) A ~~registrant~~ licensee seeking restoration of his ~~certificate-of-registration~~ license after it has expired or been placed on inactive status for more than ~~two-(2)~~ three (3) years shall file an application, on forms supplied by the Department for review by the Board, together with the fee required by Sections 14 17 and 19 of the Act. The ~~registrant~~ licensee shall also submit either:

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- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the ~~registrant~~ licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 42 16 of the Act; or
- 3) Other evidence of continued active practice of ~~in~~ architecture for at least the last ~~two-(2)~~ three (3) years. Other evidence shall include, but not be limited to:

- A) ~~Such evidence shall show that he has been employed~~ Employment in a responsible capacity under the direct supervision and control of a licensed architect; or
- B) ~~Been~~ Lawfully practicing architecture as an ~~officer or~~ employee of a governmental agency the ~~United States government~~ as a practicing architect; or
- C) ~~Been~~ Teaching architecture in a college or university program accredited by the NAAB; or
- D) Attendance ~~d~~during the past ~~two-(2)~~ three (3) years attended at educational programs conducted by an approved architecture program or a professional architectural association or similar program approved by the Department upon recommendation of the ~~Architect Examining Committee~~ Board.

- d) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or training ~~experience~~ is reasonably questioned by the Department, because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the ~~registrant~~ licensee seeking restoration of his ~~certificate-of-registration~~ license will be required requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Explain such relevance or sufficiency during an oral interview; or
- 3) Appear for ~~additional oral~~ an interview ~~(s)~~ before the Committee Board when the information available to the Committee Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon the recommendation of the Board, and approval by the



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Director, an applicant shall have his license restored or will be notified of the reason for the denial of such application.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1150.80 Corporations and Partnerships

- a) Persons who desire to practice architecture in this State in the form of a partnership or corporation ~~and~~, (if the form is a corporation, and such corporation was not formed under the "Professional Service Corporation Act" (Ill. Rev. Stat. 1983 1989, ch. 32, par. 415-1, et. seq.)) shall in accordance with Section 21 of the Act, file an application with the Department, on forms provided by the Department together with file the following ~~with the Department~~:

## 1) For Corporations.

- A) An application containing ~~the~~ name of the corporation and its registered address, ~~and~~ the names of all members of the board of directors, ~~with~~ and the name of the state and license number for each director who is licensed as an architect, structural engineer or professional engineer in which each is licensed ~~and the license number of each director who is registered as an architect, structural engineer or professional engineer~~. To qualify under Section 21 of the Illinois Architecture Act, two-thirds of the board of directors shall ~~not~~ be so registered licensed;

- B) A copy of the Articles of Incorporation under bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. The purpose clause of the Articles of Incorporation shall designate that the purpose of the corporation is to provide architectural services. If it is a foreign corporation a copy of the certificate of authority to transact business in this state is required; and

- C) A certified copy of the resolution adopted by the board of directors designating a member of the board of directors who is an Illinois licensed architect as the managing agent(s) in

charge of the architectural activities in this state. The Illinois license number of the architect designated as the managing agent shall also be included in the resolution.

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## 2) For Partnerships.

- A) An application containing the name of the partnership and its business address and the names of all general partners, with the name of the state in which each is licensed and the license number of each general partner who is ~~registered~~ licensed as an architect, structural engineer or professional engineer. To qualify under Section 21 of the Act, two-thirds of the general partners shall ~~not~~ be so registered licensed in any state or territory.

- B) A certified copy of the resolution adopted by the general partners designating the general partner(s) who is an Illinois licensed architect as the managing agent in charge of the architectural activities in this State. The Illinois license number of the architect designated as the managing agent(s) shall also be included in the resolution.

- 3) A certified copy of a resolution of the board of directors or of the partners, as the case may be, designating a member of the board or a general partner who is an Illinois registered architect as the manager in charge of the architectural activities in this State.

- 4) A list of all office locations in Illinois at which the corporation or partnership provides architectural services.

- b) Upon receipt of the above documents, the Department shall issue a license letter authorizing the corporation or partnership to engage in the practice of architecture or notify the applicant of the reason for the denial of such application.

- c) Each individual architectural office maintained for the preparation of drawings, specifications, reports or other professional work shall have a resident architect(s), licensed in Illinois and regularly employed in that office, having direct supervision and control of such work. Nothing in this Section shall relieve the managing agent(s) in charge of architectural activities in this State of any legal responsibility for the overall supervision of the individual architectural offices.

- e) Each ~~such~~ corporation or ~~and~~ partnership shall be responsible for notifying the Department within 30 days of any changes in:

- 1) The membership of the board of directors or of the general partners; and
- 2) The licensure status of any of the general partners or any of the registered licensed architect or engineering members of the board or partners; and



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- 2) ~~The manager in charge of the architectural activities in this State.~~
- e) Each corporation or partnership shall be responsible for notifying the Department, in writing, by certified mail, within 10 business days of a termination or change in status of the managing agent(s). Thereafter, the corporation or partnership, if it has so informed the Department, has 30 days to notify the Department of the name and license number of the architect licensed in Illinois who is the newly designated managing agent(s).
- d) ~~Any~~ Failure to notify the Department as required ~~above~~ in subsection (d) and (e) or any failure of the corporation or partnership to continue to comply with the requirements of Section 2-21 of the Act will subject the corporation or partnership to the loss of its license ~~authorization~~ to practice architecture in Illinois.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1150.90 Standards of Professional Conduct

In order to safeguard life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity in the practice of architecture, the following Standards of Professional Conduct shall be binding on every person applying for or holding a ~~certificate of registration~~ license as an Architect and on all partnerships and corporations authorized to practice architecture in this state.

- a) Competence.
- a) 1) An architect shall undertake to perform professional services only when ~~he~~ the architect, together with those whom the architect may engage as consultants, are qualified by education, ~~and training, and~~ experience in the specific technical areas involved.
- 2) An architect engaging in the practice of architecture shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by licensed architects of good standing, practicing in the same locality.
- 3) An architect in designing a project shall take into account all applicable state and municipal building laws and regulations (e.g., the Illinois Environmental Barriers Act (Ill. Rev. Stat. 1989, ch. 111, par. 3711)). While an architect may rely on the advice of other professionals, attorneys, engineers and other qualified persons (i.e. building code

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officials, authorized governmental officials) as to the intent and meaning of such regulations, once having obtained such advice, an architect shall not knowingly design a project in violation of such laws and regulations.

b) Conflict of Interest.

- b) 1) An architect shall not accept compensation for his services from more than one party on a project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.
- e) 2) If an architect has any business association or direct or indirect financial interest which is substantial enough to influence ~~his~~ the architect's judgment in connection with ~~his~~ the architect's performance of professional services, the architect shall fully disclose in writing to ~~his~~ the architect's client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or interest, the architect will either terminate such association or interest or offer to give up the commission or employment.
- d) 3) An architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.
- 4) When acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract.
- c) Full Disclosure.
- 1) An architect, making public statements on architectural questions, shall disclose when he is being compensated for making such statements.
- e) 2) An architect shall accurately represent ~~not misrepresent~~ to a prospective or existing client or employer ~~his~~ the architect's qualifications and the scope of ~~his~~ the architect's responsibility in connection with work for which ~~he~~ the architect is claiming credit.
- 3) If, in the course of the architect's work on a project, an architect becomes aware of a decision taken by the architect's employer or client, against such architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the architect's judgement, materially and adversely affect the safety to the public of the finished project, the architect shall



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- A) Report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations;
- B) Refuse to consent to the decision; and
- C) In circumstances where the architect reasonably believes that other such decisions will be taken, notwithstanding his or her objection, terminate the architect's services with respect to the project. In the case of a termination in accordance with this clause, the architect shall have no liability to the architect's client or employer on account of such termination.

d) Compliance with Laws.

- 1) An architect shall not, in the conduct of his architectural practice, knowingly violate any state or federal criminal law of a state or territory of the U.S.
- 2) An architect shall comply with the licensing and registration laws and regulations governing architectural practice in any state or territory of the U.S. in which the architect is practicing or offering to practice architecture;
- 3) An architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.
- 4) An architect shall not knowingly make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for a license or renewal thereof.

5) An architect shall not assist the application for a license of an individual known by the architect to be unqualified in respect to education, training or character.

6) An architect possessing knowledge of a violation of the provisions set forth in Section 22 of the Act by another architect shall report such knowledge to the Department.

e) Professional Conduct.

- 1) An architect shall not sign or seal drawings, specifications, reports or other professional work for which he the architect does not have direct

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personal knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the architect's consultants, ~~registered~~ licensed under the ~~Illinois Architecture~~ Act or another professional ~~registration~~ licensure law of this jurisdiction, the architect may sign and seal that portion of the professional work if the architect has reviewed such portion, has coordinated its preparation and intends to be responsible for its adequacy.

- 2) An architect shall neither offer nor make any payment or gift, other than gifts of nominal value (including, but not necessarily limited to reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

3) An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1150.100 Renewals

a) Every ~~certificate of registration~~ license issued to an individual under the Act shall expire on November 30 of each even numbered year. The holder of a ~~certificate of registration~~ license may renew such ~~certificate~~ license during the month preceding the expiration date thereof by paying the ~~required~~ fee required by Section 19 of the Act.

b) It is the responsibility of each ~~registrant~~ licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.

c) Every license issued to a corporation or partnership under the Act shall expire on April 30 of each odd numbered year. The holder of such license may renew that license for a two-year period during the month preceding the expiration date thereof by paying the fee specified in Section 19 of the Act.

d) Practicing or operating on a license which has expired or been placed on inactive status shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 22 of the Act.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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## Section 1150.110 Granting Variances

- a) The Director may grant variances from these rules in individual cases where he finds that:
- 1) The provision from which the variance is granted is not statutorily mandated;
  - 2) No party will be injured by the granting of the variance; and
  - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

- b) The Director shall notify the ~~Architect-Examining-Committee~~ Board of the granting of such variance, and the reasons therefor, at the next meeting of the ~~Committee~~ Board.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

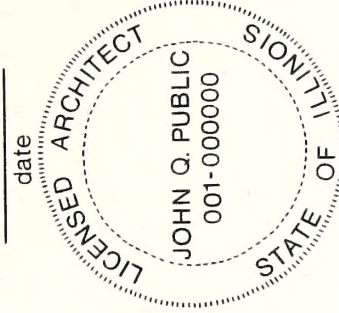
## Section 1150 Illustration A Architect Seal Requirements

- a) Every licensed architect shall have a reproducible seal, or facsimile, the print of which shall contain the name of the architect, the license number, and words "Licensed Architect, State of Illinois". The licensed architect shall affix the signature, current date, date of license expiration and seal to the first sheet of any bound set or loose sheets of construction documents utilized as contract documents or prepared for the review and approval of any governmental or public authority having jurisdiction by that licensed architect or under that licensed architect's direct supervision and control. The sheet of construction documents in which the seal is affixed shall indicate those documents or parts thereof for which the seal shall apply (Section 14 of the Act).

- b) Partnerships may utilize a reproducible seal or facsimile which contains all partners names and license numbers, provided that the partner(s) responsible for the construction documents for the building shall sign and seal in the manner prescribed in subsection (a) above. All construction documents issued by an architectural firm, corporation or partnership are required to bear the corporate or assumed business name, in addition to the seal requirements.

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- c) The following is a suggested facsimile of the design and lettering of the seal:



expires 11-30-19.....

\_\_\_\_\_ signature



## DEPARTMENT OF PROFESSIONAL REGULATION

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- 1) Heading of the Part: The Illinois Nursing Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1300
- 3) Section Numbers:  
1300.30  
Proposed Action:  
Amendment
- 4) Statutory Authority: The Illinois Nursing Act (Ill. Rev. Stat. 1989, ch. 111, par. 3519 as amended by P.A. 86-1472 effective January 1, 1991)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements P.A. 86-1472, effective January 1, 1991, which requires the Department to issue a temporary endorsement permit to individuals applying for a nurse endorsement license. This permit will allow the individual to begin work prior to the endorsement application being processed and a nurse license being issued. Procedures for application and conditions of the permit are set forth in these rules.
- 6) Will these proposed Amendments replace an emergency Rule currently in effect?  
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed Amendments contain incorporations by reference? No
- 9) Are there any other proposed Amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0810

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

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12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 4, 1991
- B) Types of small businesses affected: These amendments do not affect small business.
- C) Reporting, bookkeeping or other procedures required for compliance:  
None.
- D) Types of professional skills necessary for compliance: N/A

The full text of the Proposed Amendments is identical to the text of the Emergency Amendment which appears in this issue of the Register on page \_\_\_\_\_.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers: Proposed Action:

112.70 Amendment  
112.74 Amendment  
112.78 Amendment  
112.79 Amendment  
112.80 Amendment  
112.82 Amendment

4) Statutory Authority: Section 9-6 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Par. 9-6)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking makes the following changes in the Department's Project Chance program:

1. reduces the amount the Department will pay a Project Chance participant who must use his/her own car in order to participate in Project Chance from 24¢ per mile to 15¢ per mile or \$300 per month, whichever is less. For initial employment expenses, the maximum payment is \$3.00 per day;
2. makes it clear that supportive services can be provided only if sufficient resources are available;
3. clarifies that "good faith effort" applies to the job search portions of the job readiness and work experience components;
4. adds lack of available jobs in an area as an example of "good faith effort";
5. adds language on what constitutes an employer contact;
6. clarifies that the Department will pay for supportive services for self initiated education programs, as the rule was previously in error;
7. changes policy to budget financial aid payments against the need for payments for supportive services;

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8. clarifies that the Department will pay transportation and lodging for persons to take State certification tests;

9. clarifies that the Department will pay for child care for all scheduled Project Chance activities, not just Orientation and assessment;

10. places a cap on Initial Employment Expenses; and

11. puts limits on payments for repair of automobiles and liability insurance.

6) Will these Proposed Amendments replace Emergency Amendments currently in effect? The Proposed Amendment to Section 112.82 will replace an Emergency Amendment currently in effect. The remaining Proposed Amendments do not replace Emergency Amendments.

7) Does this rulemaking contain an automatic repeal date?  
Yes ☐ No ☒

8) Do these Proposed Amendments contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.9	Amendment	January 18, 1991 (15 Ill. Reg. 371)
112.64	Amendment	December 14, 1990 (14 Ill. Reg. 19568)
112.340	New Section	January 11, 1991 (15 Ill. Reg. 157)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff



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Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris II Building, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begin on the next page:

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AID TO FAMILIES WITH DEPENDENT CHILDREN

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**AUTHORITY:** Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 4-1 et seq. and 12-13)

**SOURCE:** Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243,

effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982;



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amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June, 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19,

1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 26, 1987; amended at 11 Ill. Reg. 14755, effective November 1, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 3170, effective January 1, 1990; amended at 14 Ill. Reg. 3575, effective February 13, 1990; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. \_\_\_\_\_, effective February



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4, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. \_\_\_\_, effective \_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART C: PROJECT CHANCE

## Section 112.70 Participation Requirements For Project Chance

Sections 112.70 through 112.83 describe Project Chance employment, education, and training participation requirements for AFDC clients. The purpose of Project Chance is to assure that needy individuals and families obtain education, training and employment that will help avoid long-term welfare dependence. Project Chance will focus on enhancing the long-term employability of AFDC clients by assessing the individual capabilities of each program participant, allow to the greatest extent possible the individual's preferences in completing the employability plan and matching the participant to a suitable activity. The program will offer a wide variety of intensive activities aimed at assisting the participant to acquire the education and skills needed to meet the demands of the current labor market as well as in the future. To the extent possible, the program will have as its first priority individuals, whether exempt or non-exempt, who volunteer to participate.

a) Both exempt and non-exempt individuals receiving AFDC may participate in Project Chance when state resources permit. All non-exempt individuals receiving AFDC are required to participate in Project Chance only to the extent there are resources available to serve individuals other than volunteers. Dependent children under sixteen (16) who are not parents cannot participate in Project Chance.

b) Project Chance services will be offered to exempt and non-exempt individuals who wish to volunteer to participate.

- 1) Volunteers will be served first. However, participation may be mandated for non-exempt individuals if needed to serve adequate numbers in the target populations, or if state resources are available to provide services beyond this volunteer population. Exempt and non-exempt individuals who volunteer to participate become a program participant upon completion of the Initial Assessment, development of the

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## Section 112.70 Participation Requirements For Project Chance (Cont'd)

employability plan, and assignment to a component (see Section 112.74). Volunteers who fail to attend the orientation and/or Initial Assessment meetings will not be sanctioned. However, non-exempt individuals who attend the orientation meeting and become program participants by completing the Initial Assessment, development of the employability plan, and assignment to a component may be sanctioned if they do not meet program requirements without good cause (see Section 112.79).

2) The priority that volunteers will be served is:

- A) non-exempt volunteers from the target groups;
- B) exempt volunteers from the target groups;
- C) non-exempt volunteers other than the target groups;
- D) exempt volunteers other than the target groups; and
- E) non-volunteers.

c) Project Chance resources will be targeted to the following groups:

- 1) current recipients who have received AFDC for any thirty-six (36) of the preceding sixty (60) months;
- 2) applicants for AFDC who have received AFDC for any thirty-six (36) of the sixty (60) months immediately preceding the most recent month for which application has been made;
- 3) custodial parents under age twenty-four (24) who have not completed high school or have little or no work experience within the preceding year; or
- 4) members of families in which the youngest child is within two (2) years of being ineligible for AFDC because of age.



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- d) A custodial parent under age twenty (20) who has not completed a high school education (or its equivalent) is not exempt from participation in educational activities directed toward obtaining a high school diploma (or equivalent) because of the age of the youngest child (see Section 112.71). Full-time participation (as defined by the educational provider) is required even if the individual's youngest child is under age six (6). This requirement is conditioned upon provision to the young parent of all necessary child care services.
- e) A custodial parent age sixteen (16) or seventeen (17) may be excused from educational activities directed toward obtaining a high school diploma (or equivalent) if the parent is unable to participate due to his or her own mental or physical illness or that of his or her spouse or child, is homeless, or is experiencing family or personal crisis.
- f) A custodial parent who is age eighteen (18) or nineteen (19) may participate in training or work activities instead of educational activities if one of the following conditions is met:

- 1) prior to any assignment of the parent to educational activities, it is determined, based on an educational assessment and the employment goal established in the parents' employability plan, that participation in educational activities is not appropriate; or
  - 2) the parent fails to make good progress in successfully completing educational activities, and it is determined based on an individual assessment, and the employment plan that the educational activity is not appropriate.
- g) Individuals age twenty (20) or over who have not completed a high school education (or equivalent) must participate in educational activities consistent with the employment goal established in the employability plan unless:
- 1) the individual reads at the 9.9 grade level; or

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- 2) the long term employment goal identified in the individual's employability plan does not require a high school diploma (or equivalent); or
  - 3) the individual reads below the 9.9 grade level, and it is determined based on the individual's assessment that the individual does not possess the aptitude to progress in an educational program and does not wish to participate in an educational program.
- h) A parent or other relative personally caring for a child under age six (6) will not be required to participate in Project Chance for more than twenty (20) hours per week except as specified in subsection (d) above.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 112.74

## Project Chance Initial Assessment Process/Development of an Employability Plan

- a) Initial Assessment to Develop an Employability Plan
- 1) All individuals shall undergo an initial assessment to develop an employability plan.
  - 2) The initial assessment shall include collection of information on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes, and employment preferences, as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, child care, family circumstances and problems including the need of any child of the individual). In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. A determination of whether the individual qualifies for an exemption may take place at any time the client requests or Project Chance staff perceive a reason for exemption during the individual's participation in the program. As part of the assessment process, individuals and Project Chance staff



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(Cont'd)

shall work together to identify any supportive service needs required to enable them to participate in Project Chance and meet the objectives of their employability plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. The initial assessment shall include standard literacy testing and a determination of English language proficiency.

3) The employability plan must:

- A) contain an employment goal of the participant;
- B) describe the services to be provided by the agency, including child care and other supportive services;
- C) describe the activities such as component assignment that will be undertaken by the participant to achieve the employment goal; and
- D) describe any other needs of the family that might be met by Project Chance such as participation by a child in drug education or in life skills planning sessions.

4) The employability plan shall take into account:

- A) available program resources;
- B) the participant's supportive service needs;
- C) the participant's skills level and aptitudes;
- D) Local employment opportunities;
- E) to the maximum extent possible, the preferences of the participant;

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- F) the employability plan shall not be considered a contract; and
- G) final approval of the plan rests with the Project Chance program.
- H) The participant shall be offered a copy of the employability plan.

b) Occurrence of the Initial Assessment

1) The initial assessment shall take place before a participant is assigned to any Project Chance component. All participants will be scheduled to begin the initial assessment within fourteen (14) working days after orientation.

2) The participant will be notified in writing of the initial assessment meeting. The notice shall include the following information:

- A) the date and time of the interview;
- B) a description of the purpose of the interview;
- C) the consequences of failing to attend;
- D) the right to re-schedule for good cause;
- E) the right to request child care and transportation to attend; and
- F) the name of the person to contact for such purposes.

c) During the initial assessment, the employability plan and needed services will be determined. The decisions will be based on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes, and employment preferences, as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, child care, family circumstances

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(Cont'd)

employment, near job ready will be referred to job skills training, job readiness training, post secondary education, work experience or other appropriate components.

4) Job ready individuals will be referred to job readiness activities, job placement, or job search. To be "job ready", an individual must possess the following attributes:

- A) A job ready individual must have:
- i) transportation (ability to get to the work site);
  - ii) clothes (suitable and appropriate for the type of work);
  - iii) child care;
  - iv) tools (if required and not supplied by the employer);
  - v) certificates, licenses, and/or degree (if required);
  - vi) a medical release (where needed, such as workers recently on disability);
  - vii) mental and emotional capability of employability;
  - viii) freedom from any dependency on drugs or alcohol; and
  - ix) motivation to find and hold a job.
- B) Plus one or more of the following:
- i) marketable skills through work history (i.e., current or within the past twenty-four (24) months and a work history in the area of interest or area to which the referral is requested);

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(Cont'd)

and problems which may include the need of any child of the individual). In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. As part of the assessment process, individuals and Project Chance staff shall work together to identify any supportive service needs required to enable them to participate in Project Chance and meet the objectives of their employment plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. The initial assessment shall include standard literacy testing and a determination of English language proficiency. The basic-literacy-literacy level is defined as reading at a 9.9 grade level or above. Based on the initial assessment, the individual will be assigned to the appropriate component activity. The decision will be based on a determination of the individual's level of preparation for employment. The four (4) levels are as follows:

- 1) Individuals unable to participate due to barriers or problems such as substance abuse problems, domestic violence, family problems, etc. will be referred to an appropriate supportive/ancillary service activity.
- 2) Individuals ready to participate, but not job ready and in need of educational services will be referred to an educational component. Individuals ready to participate but in need of educational services will include but are not limited to:
  - A) individuals with limited English proficiency;
  - B) individuals under age twenty (20) who do not have a high school diploma; and
  - C) individuals age twenty (20) and over who do not read at or above a 9.9 grade level.
- 3) Individual(s) ready to participate, but lacking the necessary education or training for



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(Cont'd)

- ii) marketable skills through education and/or training (i.e., current or within the past twenty-four (24) months, in the area of occupation being sought, and is able to meet the entry level requirements of the occupation);
- iii) if requesting the referral to a specific job order the individual must meet all requirements listed on the order; or
- iv) new entrants into the job market and persons meeting entry level requirement of specific job.

## d) Reassessment

- 1) A reassessment will be conducted to assess a participant's progress and to review the employability plan at least at the following times;
  - A) upon completion of a component activity and before assignment to a component activity;
  - B) upon the request of the participant; and
  - C) if the individual is not cooperating with the requirements of the program.
- D) If the individual has failed to make satisfactory progress in an education or training program.

- 2) The reassessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. A written notice may be sent to the participant if the reassessment needs to be rescheduled.

- 3) The employability plan must:

- A) contain an employment goal of the participant;

- B) describe the services to be provided by the agency, including child care and other supportive service;
- C) describe the activities such as component assignment that will be undertaken by the participant to achieve the employment goal; and
- D) describe any other needs of the family that might be met by Project Chance such as participation by a child in drug education or in life skills planning sessions.

- 4) The employability plan shall take into account:

- A) available program resources;
- B) the participant's supportive service needs;
- C) the participant's skills level and aptitudes;
- D) local employment opportunities;
- E) to the maximum extent possible, the preferences of the participant.

- 5) A reassessment will include an evaluation of the participant's progress towards the employment goal. If progress is lacking the participant may be reassigned to a more appropriate component and relevant facts shall be reviewed to determine if the client is exempt from program participation requirements.

- e) If a non-exempt individual who is required to participate in the program fails without good cause to appear for the scheduled assessment interviews or comply with the assessment process without good cause, the individual is subject to sanction rules.

- f) If the non-exempt participant has good cause for failing to appear for the assessment interview or to comply with the assessment process, sanction rules do not apply.

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- g) Project Chance participation shall not be required in the event that supportive services are needed for effective participation but are unavailable from the Department or from some reasonably available source (e.g., child care provided by the Department of Children and Family Services).
- h) Expenses for transportation and child care services will be provided to enable individuals to attend the assessment meeting, if requested.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 112.78 Project Chance Components

## a) Education (Below Post Secondary)

Participants who are determined ready to participate but in need of education are referred to the education component. In this component, the individual receives information, referral, counseling services and supportive services to increase the individual's employment potential. Participants may be referred to testing, counseling and education resources. Educational activities will include basic and remedial education; English proficiency classes; high school or its equivalency (e.g., GED) or alternative education at the secondary level; and with any educational program, structured study time to enhance successful participation.

## 1) Assignment to Education

A) Individuals to be assigned to Education may include but are not limited to the following:

- i) parents under age twenty (20) who do not have a high school degree or equivalent;
- ii) individuals with limited English proficiency;
- iii) individuals age twenty (20) and over who do not read at or above a 9.9 grade

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level; and

- iv) individuals age twenty (20) and over who do not have a high school degree or its equivalent and wish to obtain one.
- B) Parents ages sixteen (16) and seventeen (17) may be excused from educational activities if the parent is unable to participate in educational activities due to his/her own mental or physical illness or that of his/her spouse or child, is homeless, or is experiencing family or personal crisis. This shall include but not be limited to domestic violence and a child's suspension from school.
- C) Parents age eighteen (18) and nineteen (19) may be assigned to training or work activities instead of educational activities if:
- i) the parent fails to make good progress in successfully completing education activities, or
  - ii) prior to assignment, the parent had made arrangements to participate in a training program that is approved by the Project Chance program; or
  - iii) it is determined based on the assessment and the employment goal of the individual that educational activities are not appropriate.
- D) Educational activities may be combined with other component activities if it is determined appropriate.
- 2) Participation Requirements
- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.





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based on the individual's or family's circumstances.

- B) The individual must attend all scheduled classes or sessions. The individual must be making satisfactory progress as defined by the written policy of the job readiness provider and approved by the Department. If there is a job search component in the program, the individual must make up to five (5) acceptable employer contacts in a thirty (30) day period unless the participant shows good faith effort (see subsection (d)(3)(B) for the definition of "good faith effort").

## d) Job Search

## 1) Description of Job Search

Job Search may be conducted individually or in groups. Job Search includes the provision of counseling, job seeking skills training and information dissemination. Group job search may include training in a group session.

## 2) Assignment to Job Search

- A) Participation in the Job Search component can not be in excess of eight (8) weeks (or its equivalent) in any period of twelve (12) consecutive months.

- B) Job ready individuals may be assigned to Job Search. Individuals completing education or training or job skills training or job readiness training may be assigned to Job Search.

- C) Job Search may be combined with other component activities if it is determined appropriate.

## 3) Participation Requirements

- A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.

- i) the participant appears for a scheduled interview and the employer misses the appointment;

- ii) the participant makes less than the required number of acceptable employer contacts, but came reasonably close to the required numbers in an effort to find work;

- iii) the participant fails a civil service or other employment screening test;

- iv) the participant completes an application which is not accepted by the employer; and

- v) the participant's job search performance indicates that he/she should be in a different Project Chance component activity; and

- vi) the participant has less than the required number of employer contacts based on the lack of available jobs in the geographical area.

- C) Acceptable employer contacts may include but are not limited to:

- i) a face-to-face interview with an employer;

- ii) the completion and return of an application to an employer;



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iii) the completion of a civil service test required for employment with state, local, or the federal government or the completion of a Department of Employment Security (DES) screening test;

iv) the completion and mailing of a resume with a covering letter to a recognized employer;

v) reporting to the union hall for union members verified to be in good standing; or

vi) registration with DES.

## e) Work Experience

Near job ready participants who have not found employment and who need orientation to work, work experience or training, in order to prevent deterioration of or to enhance existing skills are referred to the Work Experience component. Work Experience assignments are with not-for-profit and public agencies statewide. Not-for-profit and public agencies shall not use Work Experience participants to displace regular employees (see subsection (e)(4) below). Work experience programs shall be limited to those which serve a public purpose in fields such as health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, and child care. Participants in Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) for a Federal office or agency with its consent, and, notwithstanding (31 U.S.C. 1342), or any other provision of law, such agency may accept such services, but such participants shall not be considered to be Federal employees for any purpose.

## 1) Assignment to Work Experience

A) The Work Experience component is for participants determined:

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i) to have no recent work history or employer references taking into consideration such factors as the educational background and previous training; or

ii) to need experience to prevent deterioration of or to enhance existing skills (e.g., typing).

## B) Entry into Work Experience

Participants are determined to be eligible for the Work Experience component, based on an assessment of their education, training and employment history. Procedures used in the assessment are a face-to-face meeting with the participant and a review of all available information on the participant (including but not limited to the participant's case record).

## C) Work Experience Classifications Positions

The Work Experience assignment is subdivided into four Work Experience classifications such as Clerical Aide, Dietary Aide, Maintenance Aide, and Program Aide. A participant shall be assigned to a Work Experience position one of these classifications based on his work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Work Experience.

D) Work Experience activities may be combined with other component activities if it is determined appropriate.

## 2) Participation Requirements

A) Work assignment consists of three 30-day periods. (The date the participant is to appear at the work assignment begins the

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three 30-day periods.) The hours of the work assignment for a 30-day period shall not exceed the family's AFDC grant received in the fiscal month during which the assignment is made divided by the higher of the State or Federal minimum wage or the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site (as determined by the Work Experience Sponsor and the Department). (A fiscal month is a month that starts with a given day in one calendar month and ends with the day before that same given day in the next calendar month.) The portion of a recipient's aid for which the State is reimbursed by a child support collection (except for the \$50 pass through) shall be excluded in determining the maximum number of hours that the participant is required to work. In order to provide consistency for both work assignment sponsors and participants, the required number of hours will be rounded down to forty (40) or eighty (80) hours. The minimum number of hours that must be completed within a 30-day period is forty (40) hours, and the maximum number of hours that must be completed within a 30-day period is eighty (80) hours.

B) During work assignment, the participant shall be required to make up to five (5) employer contacts per month unless the participant shows good faith effort (see subsection (d)(3)(B) for the definition of "good faith effort") or participate in education and training programs. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.

C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be

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late, they are to immediately notify their work assignment Sponsor.

D) ~~Failure to meet the requirements of this subsection shall result in a reassessment process to determine the appropriateness of the assignment. If necessary, a new component activity may be assigned.~~

## 3) Reassessment

At the end of the third 30-day period, the mandatory registrant's employability will be evaluated using the procedures and criteria described in Section 112.74. If continuing the work assignment will benefit the mandatory registrant in terms of furthering work skills (see subsection (e)(1)(A) and (B)), the mandatory registrant shall be reassigned to the work assignment. Otherwise, the mandatory registrant will be assessed for assignment to another Project Chance component.

## 4) Length of Assignment

An individual cannot be assigned to Work Experience for more than a total of six (6) months.

## 5) Displacement

A) The Work Experience Sponsor shall not use participants to displace persons:

- i) who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason;
- ii) who are or have been involved in a labor dispute between a labor organization and the Sponsor; or
- iii) who have been temporarily laid off by the Sponsor.



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B) Participant's, other employees at the work site or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

participant or other employee at the work site and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the participant and/or the Department.

i) the name and address of the participant or other employee at the work site i.e., the grievant;

E) Within fifteen (15) days of the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

ii) the participant's public aid case number;

iii) the participant's or other employee's (at the work site) social security number;

iv) Work Experience (work site); and

v) a statement as to why the participant or other employee at the work site believes he or she is causing displacement.

F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A)(i) above), the Department shall terminate the Participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of Project Chance participants in addition to the participant, then the Department shall terminate those Project Chance participants' assignment to that work assignment Sponsor.

C) Within ten (10) days of receipt of a written grievance, the Department shall arrange an in-person conference with:

i) the participant or other employee at the work site;

ii) the participant's or other employee's (at the work site) representative, if any;

iii) the Work Experience Sponsor;

iv) the Work Experience Sponsor's representative, if any; and

v) the Department's representative.

D) At the in-person conference, the Department shall solicit and receive from the

G) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this policy.

f) On the Job Training (OJT)

In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.

1) Assignment to OJT

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- A) Job ready individuals may be assigned to OJT.
- B) OJT participants shall be compensated at the same rate and with the same benefits as other employees.
- C) Wages to participants in OJT shall not be less than the higher of the State or Federal minimum wage.
- D) Wages to participants in OJT are considered earned income.
- E) OJT may be combined with other component activities if it is determined appropriate.

2) Participation Requirements

- A) The participant must attend all scheduled days.

- B) ~~Failure to participate in the requirements of this subsection shall result in a reassessment.~~

3) Supportive Services

Participants in OJT receive child care and medicaid benefits through the AFDC program, not Project Chance.

- g) Exchange Program (see Section 112.98)

- h) Post Secondary Education

Individuals may be referred to post secondary education programs. Post secondary education must be administered by an educational institution accredited under requirements of State law including, but not limited to, The Barber, Cosmetology and Esthetics Act of 1985 (Ill. Rev. Stat. 1989, ch. 111, par. 1701-1 et seq.), the Real Estate License Act of 1983 (Ill. Rev. Stat. 1989, ch. 111, par. 5801 et seq.), the Public Community College Act (Ill. Rev. Stat. 1989, ch. 122, par. 101-1 et seq.), AN ACT to provide for the organization and maintenance of the University of Illinois (Ill. Rev. Stat. 1989, ch. 144, par. 22 et

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seq.), AN ACT providing for the management, operation, control and maintenance of the Regency Universities System (Ill. Rev. Stat. 1989, ch. 144, par. 301 et seq.) and AN ACT to change the name of Southern Illinois Normal University (Ill. Rev. Stat. 1989, ch. 144, par. 600 et seq.).

- 1) Assignment to Post Secondary Education

- A) The participant is unemployed or employed and in need of further education to enhance employment/earning potential.
- B) The participant possesses the aptitude, ability and interest necessary for success in the selected program (as determined by such factors as test results, educational/training background).

- C) The program is accredited under requirements of State law.

- D) The program is needed for the participant to obtain useful employment in a recognized occupation (according to the Dictionary of Occupational Titles (DOT), the Department of Employment Security (DES) and/or other documented and reliable sources (e.g., Horizons, Department of Commerce and Community Affairs (DCCA) and/or the placement officer at an educational institution). Jobs must be available for graduates upon program completion.

- E) The program is needed for the participant to complete his or her employment plan.

- F) The program is full-time or part-time if a full-time program is not available.

- G) The program selected may be no more than a program that will result in the receipt of a Baccalaureate Degree.

- H) If the participant possesses a Baccalaureate degree, no additional education may be approved.



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- I) The program cannot be a post graduate program.
- J) Post secondary education activities may be combined with other component activities if it is determined appropriate.
- 2) Participation Requirements
- A) The individual must maintain attendance of at least 75% unless there is good cause for missing more.
- B) The participant must secure funding for tuition payment. Available educational benefits may include, but are not limited to, resources such as the Pell grant and scholarship from the Illinois State-Scholarship-Student Assistance Commission, as well as, any scholarship or grants identified by the education or training facility for which the participant may be eligible. Income from educational loans and grants are exempt from consideration as budgeted income toward the assistance grant (see Section 112.144).

## i) Self Initiated Education

Participants who are attending in good standing an institution of higher education or a vocational or technical program at the time they enter the Project Chance program, may continue to attend if the program is approved by the Project Chance program under the provisions of subsections (i)(1)(A) thru (J) below.

- 1) Assignment to Self Initiated Education
- A) The participant is unemployed or employed and in need of further education to enhance employment/earning potential.
- B) The participant possesses the aptitude, ability and interest necessary for success in the selected program (as determined by such factors as test results, educational/training background).

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- C) The program is accredited under requirements of State law.
- D) The program is needed for the participant to obtain useful employment in a recognized occupation (according to the Dictionary of Occupational Titles (DOT), the Department of Employment Security (DES) and/or other documented and reliable sources (e.g., Horizons, Department of Commerce and Community Affairs (DCCA) and/or the placement officer at an educational institution). Jobs must be available for graduates upon program completion.
- E) The program is needed for the participant to complete his or her employment plan.
- F) The program is full-time or a full-time program is not available or appropriate.
- G) The program selected may be no more than a program that will result in the receipt of a Baccalaureate Degree.
- H) If the participant possesses a Baccalaureate degree, no additional education may be approved.
- I) The program cannot be a post graduate program.
- J) Self initiated education activities may be combined with other component activities if it is determined appropriate.

## 2) Participation Requirements

- A) The participant must maintain attendance of at least 75% unless there is good cause for missing more.
- B) The participant must secure funding for tuition payment. Available educational benefits may include, but are not limited to, resources such as the Pell grant and scholarship from the Illinois State



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Scholarship Commission, as well as, any scholarship or grants identified by the education or training facility for which the participant may be eligible. Income from educational loans and grants are exempt from consideration as budgeted income toward the assistance grant (see Section 112.144).

## 3) Supportive-Service-Limits

A) Payment-will-not-be-made-by-the-Project-Chance-program-for-beekee-fees-or-other-costs-of-self-initiated-education-or-training.

B) Individuals-in-approved-self-initiated-activities-may-be-eligible-for-child-care-and-transportation-as-a-supportive-service.

## j) Job Development and Placement (JDP)

1) Project Chance staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the marketing of participants for specific job openings.

## 2) Assignment to JDP

Job ready individuals may be assigned to JDP.

## k) Job Retention

The job retention component is designed to assist participants in retaining employment. Initial employment expenses are provided. The individual's supportive service needs are assessed and the individual receives counseling regarding job retention skills. Counseling may continue up to three months after employment.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 112.79

## Project Chance Sanctions

a) Sanctions may be imposed against those non-exempt participants who fail to participate without good cause in Project Chance if conciliation is unsuccessful (see Section 112.80 for good cause as specified in subsection (b) below.). For non-exempt participants the first failure to cooperate, the sanction period lasts until the participant agrees to cooperate. A sanction period of three (3) payment months or until the individual cooperates whichever is longer is imposed for the second failure to participate if conciliation is unsuccessful; a sanction period of six (6) payment months or until the individual cooperates whichever is longer is imposed for subsequent failures to participate if conciliation is unsuccessful. The Department will not impose a three (3) or six (6) month sanction on any non-exempt participant due to a sanction imposed prior to April 1, 1990. Sanctions will not be imposed against exempt individuals who volunteer. However, the conciliation process will be provided to exempt individuals who volunteer.

## b) Sanctions

Sanctioning of a non-exempt participant or a penalty against exempt participants will result from one instance of any of the following unless conciliation is successful:

- 1) failure to respond to a job referral;
- 2) failure to accept a bona fide offer of suitable employment (see Section 112.72(a)(3) and (4));
- 3) discontinuing part-time employment (less than 30 hours per week) (see Section 112.64);
- 4) reducing employment (i.e., hours of employment) (see Section 112.64(d)(1));
- 5) failure to respond to call-in notices on two (2) separate occasions for an Orientation appointment (see Section 112.76);
- 6) failure to report to an assessment interview and comply with the assessment process (see Section 112.74);



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- 7) failure to report to a job readiness skills training session (see Section 112.78);
  - 8) failure to participate in the Project Chance component activity.
  - 9) failure to respond to a written notice for a meeting. For the purposes of determining attendance at Project Chance meetings, if the participant arrives anytime within thirty (30) minutes of the start of the scheduled meeting, the participant will be considered present and will be seen. If the participant has good cause (see Section 112.80) for being more than thirty (30) minutes late the tardiness will be excused. The Project Chance worker will include the participant in a scheduled group or other meeting or re-schedule the participant for another meeting;
  - 10) failure to make good faith effort to complete and provide verification of the required number of acceptable employer contacts every thirty (30) days when employer contact activity is required in a component;
  - 11) failure to accept transportation, family counseling or other social service or employment and training services such as testing or employment counseling, thereby precluding or interrupting participation in Project Chance activities;
  - 12) failure to report to the work assignment on-time-the first day or any scheduled day when assigned to Work Experience;
  - 13) failure to maintain satisfactory attendance of at least 75% in an education/training program;
  - 14) failure to provide verification of education/training activities, employability status, etc.
- c) No Project Chance sanction will be imposed until Project Chance staff has sent the non-exempt participant a written notice scheduling a good cause

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## Section 112.79 Project Chance Sanctions (Cont'd)

- determination/conciliation meeting to determine whether or not the non-exempt participant had good cause for his/her failure to comply with Project Chance requirements and the non-exempt participant has either failed to attend the meeting or failed to show good cause. If the non-exempt participant failed to show good cause, the conciliation process will continue (see Section 112.77) to enable resolving disputes related to Project Chance participation. The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause. Failure of the non-exempt participant to appear for the scheduled meeting is not considered an instance of noncooperation.
- d) A Project Chance sanction against non-exempt participants or penalty against exempt participants may be rescinded at any level of the sanction process up through and until the final agency decision, including any appeal hearing, if the participant establishes good cause (see Section 112.80 for good cause criteria).
  - e) When an AFDC-U case is sanctioned for non-compliance with Project Chance, the principal wage earner's "connection to the labor force" shall not have to be reestablished at the end of the sanction period unless assistance has been cancelled for another reason.
  - f) The notice of change form issued for a Project Chance sanction shall include the following:
    - 1) a description of the acts of noncooperation with Project Chance, including dates where applicable;
    - 2) a statement that the non-exempt participants acts were without good cause (see Section 112.80 for good cause criteria); and
    - 3) the following language will be required for non-exempt participants: You will be sanctioned until (last day of sanction period). In order for cash assistance to be restored at the end of the sanction period with no further gap in assistance, you must file an application (or written request) for cash assistance between (x



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date) and (y date). If you apply later than (y date), there may be a further gap in assistance.

- 4) in addition, exempt participants will receive a notice of change describing the acts of noncooperation, including dates when applicable, a statement that the acts were without good cause, and notification that a penalty may result in loss of priority status should the individual choose to participate in Project Chance at a later time and discontinuance of supportive services.

- g) At least fourteen (14) days prior to the end of the sanction period, a notice will be sent to sanctioned non-exempt individuals whose failure to cooperate has continued for three (3) months explaining the individual's option to end the sanction.

- h) Receipt of Medical Assistance and/or Food Stamps shall not be terminated as a result of a Project Chance sanction.

- i) During the sanction period, the non-exempt individual who fails to cooperate with Project Chance is ineligible for financial assistance. If the non-exempt individual sanctioned is the unemployed parent in the case, and a second parent is in the case, the second parent shall also be sanctioned even if exempt, unless the second parent is participating in the Project Chance Program.

- j) Exempt volunteers in Project Chance who fail to cooperate with Project Chance will not have their assistance grants cancelled or reduced, provided their exemption status has not changed to non-exempt. Exempt volunteers may be penalized by loss of their priority status and supportive services, if applicable, if they fail to cooperate. Exempt volunteers have the right to participate in good cause determination meetings, conciliation, and request an appeal hearing through the Department's fair hearing process (see 89 Ill. Adm. Code 104).

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 112.80 Good Cause for Failure to Comply With Project Chance Participation Requirements

- a) If a participant has good cause for not complying with a Project Chance participation requirement, financial assistance shall not be discontinued. Examples of good cause include but are not limited to:

- 1) illness or incapacity;
- 2) court required appearance or temporary incarceration;
- 3) family crisis;
- 4) death in the family;
- 5) breakdown in child care arrangement;
- 6) sudden and unexpected emergency;
- 7) unavailability of otherwise suitable child care;
- 8) breakdown in transportation arrangements or lack of reasonably available transportation;
- 9) inclement weather;
- 10) the job referral does not meet appropriate work or training criteria (see Section 112.72);
- 11) lack of any supportive service (see Section 112.82), even though the necessary service is not specifically provided under Project Chance, to the extent the lack of the needed service presents a significant barrier to Project Chance participation;
- 12) if an individual is engaged in employment and/or training that is consistent with the employment related goals of the program, if such employment and training is later approved by Project Chance staff (e.g., a participant is unable to attend an orientation session because she is already attending GED classes).
- 13) failure to cooperate due to symptoms of



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Good Cause for Failure to Comply With  
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(Cont'd)

conditions for which the participant may need  
rehabilitation services;

14) failure of Department staff to correctly forward  
the information to Project Chance staff;

15) failure of the participant to cooperate because  
of attendance at a test or a mandatory class or  
function at an educational program (including  
college), when an education/training program is  
officially approved by Project Chance. When  
Project Chance workers know in advance of such  
tests and mandatory classes or functions, they  
shall schedule Project Chance activities around  
them if possible;

16) failure of the participant due to his/her  
illiteracy;

17) failure of the participant because it is  
determined that he/she should be in a different  
Project Chance component;

18) non-receipt by the participant of a notice  
advising him/her of a participation requirement,  
if documented by the participant. Documentation  
can include, but is not limited to: a written  
statement from the post office or other informed  
individual: the notice not sent to the  
participant's last known address in Department  
records; return of the notice by the post office;  
other returned mail; proof of previous mail theft  
problems. When determining whether or not the  
participant has demonstrated non-receipt, the  
Department shall take into consideration a  
participant's history of cooperation or  
non-cooperation in the past. If the documented  
non-receipt of mail occurs frequently, the  
Department shall explore an alternative means of  
providing notices of participation requests to  
participants;

19) not accepting employment that would result in a  
net loss of cash income. Net loss of cash income

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 112.80

Good Cause for Failure to Comply With  
Project Chance Participation Requirements  
(Cont'd)

results if the family's gross income less actual  
necessary work-related expenses is less than cash  
assistance the individual was receiving at the  
time the offer of employment is made.

A) Gross income includes, but is not limited to:

- i) earnings;

- ii) unearned income; and

- iii) cash assistance.

B) Necessary and reasonable expenses include:

- i) all mandatory deductions from gross  
income including union dues, medical  
insurance, and/or garnishments or court  
ordered income withheld from earnings;

- ii) child care costs at the Department's  
established rate if the individual  
would not be eligible for Transitional  
Child Care; and

- iii) transportation costs to get to and from  
employment including travel for child  
care at the Department's established  
rates;

20) non-comprehension of written and/or oral English;

21) failure of Project Chance staff to make an  
appropriate employability assessment and/or plan;

22) the individual personally provides care for a  
child under age six (6) and the employment would  
require working more than twenty (20) hours per  
week;

23) child care (or day care for an incapacitated  
individual living in the same home as a dependent  
child) is necessary for the participation or  
employment and such care is not available;



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Section 112.80 Good Cause for Failure to Comply With Project Chance Participation Requirements (Cont'd)

- 24) failure to participate in a Project Chance activity due to a scheduled job interview;
- 25) the individual is homeless. Homeless individuals (including the family) have no current residence and no expectation of acquiring one in the next thirty (30) days. This includes individuals residing in overnight and transitional (temporary) shelters. This does not include individuals who are sharing a residence with friends or relatives on a continuing basis;
- 26) circumstances beyond the control of the participant which prevent the participant from completing program requirements; or
- 27) other reasons that prevent participation that are outside of the control of the individual ~~not listed that Project Chance staff determine are appropriate.~~
- b) The Project Chance worker will not require a participant to document good cause for noncooperation with Project Chance requirements unless:
  - 1) the participant has failed to comply with Project Chance requirements on at least one other occasion within a sixty (60) day period; or
  - 2) evidence independent of the explanation of good cause casts doubt on the participant's explanation.
- c) No participant shall be denied good cause solely on the basis that he or she failed to notify the Department in advance of a participation requirement.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 112.82 Project Chance Supportive Services

- a) AFDC participants involved in Project Chance are

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Section 112.82 Project Chance Supportive Services (Cont'd)

- eligible to receive supportive service payments to enable them to participate in the program when state resources permit.
- b) During the initial assessment, the supportive services needed by the participant which must be discussed and provided or arranged as needed include at least the following:
    - 1) transportation;
    - 2) child care;
    - 3) job search allowance;
    - 4) initial employment expenses;
    - 5) required books, fees, supplies; and
    - 6) required physical examinations and medical services (e.g., TB test).
  - c) Project Chance participation will not be required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source. Supportive services will be made available to the participant at no cost, except for Transitional Child Care (see Sections 112.400 through 112.418).
  - d) Surplus financial aid benefits to clients from PELL grants, scholarships from the Illinois Student Assistance Commission, loans and all other scholarships and grants are considered available to meet the education and training supportive service needs incurred by clients. Financial aid benefits are not considered available to meet child care costs. Surplus financial aid benefits are funds disbursed to clients after payment for tuition, books, fees and supplies are deducted from the clients financial aid award. Only when surplus financial benefits are determined insufficient to meet clients' allowable educational expenses for the academic term will financial aid benefits be supplemented by the Department.

d)e) Eligible Services



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NOTICE OF PROPOSED AMENDMENTS

Section 112.82

Project Chance Supportive Services (Cont'd)

1) Transportation

- A) If requested and required (e.g., a participant who does not have an automobile), expenses for transportation will be provided to enable participants to attend Orientation and Assessment meetings and all other scheduled Project Chance appointments.

- B) Transportation expenses are to be paid to permit participation in Project Chance, including travel necessary to locate appropriate child care.

- C) Transportation payments are made at the most reasonable and most economical rate, whichever is less. If the participant's own automobile is used, the established State-rate-per-mile-(i.e., 24¢-per-mile)-15¢ per mile will be approved, which includes all vehicle-related expenses. The maximum transportation allowance is \$300 per month.

- D) Transportation expenses are to be paid to permit the participant to take a state certification examination.

- E) Payment for lodging is permitted with Department approval to allow the participant to take a state certification examination. The Department's determination is based on the participant's geographical location, time required for travel, and means of available transportation from the examination site.

2) Child Care

- A) If requested and required (e.g., when school is not in session), expenses for child care services will be provided to enable participants to attend Orientation and Assessment meetings and all other scheduled Project Chance appointments.

Section 112.82

Project Chance Supportive Services (Cont'd)

B)

Child care expenses are to be paid to permit participation in Project Chance (see Section 112.78).

C)

Maximum rates for child care have been established by the Illinois Department of Children and Family Services (DCFS) (see 89 Ill. Adm. Code 356.5(g)). The Department will allow payment of an amount not to exceed the maximum rates per child as established by DCFS.

3) Job Search Allowance

- A) An allowance of \$20.00 a month is to be paid to individuals participating in Intensive Job Search to assist in the payment of job search-related expenses.

B)

An allowance of \$5.00 a month will be paid to individuals to assist in the payment of job search-related expenses if job search activities are part of another Project Chance component.

4) Mandatory Fees

Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees, are provided to participants enrolled in approved education or training programs (see Section 112.78). A maximum payment of \$300.00 per twelve (12) month period will be provided. No payments are allowed for tuition. ~~Mandatory fees cannot be paid for self-initiated activities.~~

5) Books and Supplies

Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which a participant is enrolled. A maximum payment of \$300.00 per twelve (12) month period can be provided. ~~Books-~~



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 112.82 Project Chance Supportive Services (Cont'd)

~~and supplies cannot be paid for self-initiated activities.~~

## 6) Required Physical Examinations and Medical Services

Payment is permitted for participants to obtain required physical examinations and medical services (e.g., TB test) if the costs are not otherwise provided by sources such as the employer or the training program.

## 7) Initial Employment Expense

A) Payment may be provided for employment expenses incurred when requested within thirty (30) calendar days from the date employment begins. These expenses are paid on the individual's work days during a thirty (30) calendar day period from the date employment begins. The total amount of all Initial Employment Expenses provided shall not exceed \$400 in a twelve (12) consecutive month period. Payment may be made to individuals employed at least twenty (20) hours weekly on a job that is expected to last at least thirty (30) calendar days.

## B) These expenses include,

- i) special clothing (maximum \$200);
- ii) required tools which are not provided by the employer (maximum \$200);
- iii) repairs on an automobile (maximum \$300). The following requirements are to be met before a request for payment for repair of an automobile is approved: The client has no other available and suitable form of transportation to and from employment. The client is unable to report to the employment unless the automobile is repaired. The client has a valid driver's license and has provided

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 112.82 Project Chance Supportive Services (Cont'd)

evidence of insurability. The automobile, when repaired, will be suitable for the purpose intended and no other obvious mechanical deficiency has been observed. The title and license of the automobile must be in the name of the client (or the client's spouse in an AFDC/AFDC-U case);

## iv) auto license plate fees;

v) auto liability insurance at the cheapest rate but not to exceed \$100 or three months coverage, whichever is less costly; and

vi) transportation expenses at the most reasonable and most economical rate, whichever is less. If the participant's own car is used, the established State-rate-per-mile-of-a daily-gas-allowance-based-on-20-mile-round-trip-at-the-established-State-rate-per-mile-whichever-is-less, 15¢ per mile shall be authorized. A maximum payment of \$3.00 per day shall be approved;

## vii) child care

viii) physical examinations prior to employment if not provided by the employer; and

ix) other required items related to a specific job (maximum \$300).

x) item(s) or service(s) purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00). Item(s) and service(s) may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone.



## DEPARTMENT OF PUBLIC AID

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## Section 112.82 Project Chance Supportive Services (Cont'd)

## Section 112.82 Project Chance Supportive Services (Cont'd)

- C) Initial employment expenses will not be authorized to purchase fire arms, pay fees, bail bonds or traffic tickets, or pay relocation expenses so an individual can accept employment elsewhere.
- D) Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services' licensed child care provider.

- 3) Regarding emergency intervention services, Project Chance staff will refer the participant to the appropriate Local Office for application under the Crisis Assistance Program (see 89 Ill. Adm. Code 116). The need for supportive services will be discussed with the participant when a review of the participant's employability plan is made.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

e)f) These allowances are exempt from consideration in determining the AFDC grant amount.

## f)g) Ancillary Supportive Services

- 1) In addition to supportive service payments as specified in subsection (b) above, participants are eligible to receive the following ancillary supportive services, if needed and the service is available in the community at no cost to the Department, to enable them to participate in Project Chance:

- A) vocational rehabilitation;
- B) emergency intervention services;
- C) substance abuse or domestic violence programs;
- D) life skills training activities;
- E) family planning/sex education;
- F) parenting skills; and
- G) family counseling.

- 2) Child care and transportation at the Department's established rates may be provided to enable Project Chance participants to receive ancillary supportive services.

COMMISSIONER OF SAVINGS AND LOAN ASSOCIATIONS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Residential Mortgage License Act of 1987

2) Code Citation: 38 Ill. Adm. Code 450

3) Section Numbers Proposed Action

450.210	Amendment
450.220	Amendment
450.250	Amendment
450.260	Amendment
450.280	Repeal
450.340	Amendment
450.350	Amendment
450.410	Amendment
450.430	Amendment
450.440	Amendment
450.720	Amendment
450.740	Amendment
450.820	Amendment
450.860	Amendment
450.910	Amendment
450.1010	Amendment
450.1110	Amendment
450.1130	Repeal
450.1175	Add
450.1230	Amendment
450.1550	Amendment

4) Statutory Authority:

Implementing and authorized by the Residential Mortgage License Act of 1987 (Ill. Rev. Stat. 1989, ch. 17, par. 2324-1(g)).

5) A Complete Description of the Subjects and Issues Involved:

The rules in this Part implement the Residential Mortgage License Act of 1987 (Ill. Rev. Stat. 1989, ch. 17, pars. 2321-1 et seq.) which creates a thorough regulatory structure and consumer protection provision that recognizes the growing complexity and volume of mortgage banking in Illinois.

These amendments represent the culmination of a comprehensive review by the Agency. The proposed changes include: amending the license investigation fees and license fees; adding expenses for travel time in examination fees; refinement to full-service offices; the repeal of late fees; reference to

COMMISSIONER OF SAVINGS AND LOAN ASSOCIATIONS

NOTICE OF PROPOSED AMENDMENTS

servicing contracts in calculation of net worth; refinement to late audit reports; additions to escrow funds; clarification of foreclosure rate; additions to the transfer of servicing, and to the payoff of outstanding mortgage loans; clarification of general prohibition in advertising; refinement of loan brokerage agreements; additions to the borrower information document; refinements concerning loan application practices in Subpart J; amending language regarding changes affecting loans in process, and the computation of time in administrative hearing procedures; as well as updating reference to the 1989 Illinois Revised Statutes and correcting typographical errors.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Not Applicable

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Jay R. Stevenson, Deputy Commissioner, Illinois Commissioner of Savings and Residential Finance (Formerly the Commissioner of Savings and Loan Associations), 500 East Monroe Street, Suite 800, Springfield, Illinois 62701-1509, (217) 782-6169 within 45 days after this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

February 5, 1991

B) Types of small businesses affected:

Entities engaged in residential real estate mortgage lending activities as described in the Residential Mortgage



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NOTICE OF PROPOSED AMENDMENTS

License Act of 1987. The entities include those engaged, for a fee, in soliciting, brokering, originating, funding or servicing loans secured by mortgages on residential real estate.

C) Reporting, bookkeeping or other procedures required for compliance:

The amendments require minimal additional recordkeeping and disclosures.

D) Types of professional skills necessary for compliance:

The proposed amendments do not require additional professional skills for compliance. The present Act and rules have created uniform procedures for residential mortgage lending that require a level of professional and ethical business practices that are commensurate with those of other regulated entities in the financial services industry engaged in residential mortgage lending.

The full text of the Proposed Amendments begins on the next page.

COMMISSIONER OF SAVINGS AND LOAN ASSOCIATIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER III: COMMISSIONER OF SAVINGS AND LOAN ASSOCIATIONS

PART 450  
RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

SUBPART A: DEFINITIONS

Section	
450.110	Act
450.115	Administrative Decision
450.120	Assisting
450.125	Commissioner
450.130	Control
450.140	Employee
450.150	Hearing Officer
450.170	Party
450.175	Principal Place of Business
450.185	State

SUBPART B: FEES

Section	
450.210	License Investigation Fees
450.220	License Fees
450.230	Amended License Fees - Corporate Changes
450.240	Duplicate Original License Fees
450.250	Examination Fees
450.260	Additional Full-Service Office Fees
450.270	Hearing Fees
450.280	Late Fees (Repeal)
450.290	Manner of Payment

SUBPART C: LICENSING

Section	
450.310	Application for an Illinois Residential Mortgage License
450.320	Application for Renewal of an Illinois Residential Mortgage License
450.330	Waiver of License Fee
450.340	Full-Service Office
450.350	Additional Full-Service Office

SUBPART D: OPERATIONS AND SUPERVISION

Section	
450.410	Net Worth
450.420	Line of Credit
450.430	Late Audit Reports
450.440	Escrow
450.450	Audit Workpapers

## COMMISSIONER OF SAVINGS AND LOAN ASSOCIATIONS

## NOTICE OF PROPOSED AMENDMENTS

450.460 Selection of Independent Auditor  
 450.470 Proceedings Affecting a License  
 450.475 Change in Business Activities  
 450.480 Change of Ownership, Control or Name or Address of Licensee  
 450.490 Bonding Requirements

**SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE BROKERAGE ACTIVITY AND MORTGAGE SERVICING ACTIVITY**

**Section**  
 450.610 Filing Requirements  
 450.620 Reporting Forms  
 450.630 Annual Report of Mortgage Activity  
 450.640 Annual Report of Brokerage Activity  
 450.650 Annual Report of Servicing Activity  
 450.660 Verification

**SUBPART F: FORECLOSURE RATE**

**Section**  
 450.710 Computation of National Residential Mortgage Foreclosure Rate  
 450.720 Computation of Illinois Residential Mortgage Foreclosure Rate  
 450.730 Excess Foreclosure Rate  
 450.740 Foreclosure Rate Hearing  
 450.750 Commissioner's Authority - Unusually High Rate

**SUBPART G: SERVICING**

**Section**  
 450.810 New Loans  
 450.820 Transfer of Servicing  
 450.830 Real Property Tax and Hazard Insurance Payments  
 450.840 Payment Processing  
 450.850 Toll-Free Telephone Arrangement  
 450.860 Payoff of Outstanding Mortgage Loan

**SUBPART H: ADVERTISING**

**Section**  
 450.910 General Prohibition  
 450.920 Definition of Advertisement  
 450.930 Compliance with Other Laws  
 450.940 Requirements  
 450.950 Misleading and Deceptive Advertising Prohibition

**SUBPART I: LOAN BROKERAGE PRACTICES**

**Section**  
 450.1010 Loan Brokerage Agreement  
 450.1020 Loan Brokerage Disclosure Statement

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450.1030 Prohibited Practice

**SUBPART J: LOAN APPLICATION PRACTICES**

**Section**  
 450.1110 Borrower Information Document  
 450.1120 Description of Required Documentation  
 450.1130 Maintenance of Records (Repeal)  
 450.1140 Loan Application Procedures  
 450.1150 Copies of Signed Documents  
 450.1160 Confirmation of Statements  
 450.1170 Cancellation of Application  
 450.1175 Maintenance of Records

**SUBPART K: GENERAL LENDING PRACTICES**

**Section**  
 450.1210 Notice to Joint Borrowers  
 450.1220 Inaccuracy of Disclosed Information  
 450.1230 Changes Affecting Loans in Process  
 450.1240 Prohibition of Unauthorized Lenders  
 450.1250 Good Faith Requirements

**SUBPART L: COMMITMENT AND CLOSING PRACTICES**

**Section**  
 450.1305 Approval Notice  
 450.1310 Inconsistent Conditions Prohibited  
 450.1315 Avoidance of Commitment  
 450.1320 Charges to Seller  
 450.1325 Intentional Delay  
 450.1330 No Duplication to Borrower of Seller's Costs  
 450.1335 Fees Prior to Closing  
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 450.1345 Representative at Closing  
 450.1350 Compliance with Other Laws  
 450.1355 Failure to Close - Disclosure  
 450.1360 Escrow Account Agreements at Closing

**SUBPART M: EXEMPTION GUIDELINES**

**Section**  
 450.1410 General  
 450.1420 Interpretative Guidelines

**SUBPART N: ADMINISTRATIVE HEARING PROCEDURES**

**Section**  
 450.1510 Applicability  
 450.1520 Definitions  
 450.1530 Filing  
 450.1540 Form of Documents  
 450.1550 Computation of Time



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## NOTICE OF PROPOSED AMENDMENTS

a) For each application for a new Residential Mortgage License, the Commissioner shall receive and there shall be paid to the Commissioner a non-refundable Investigation Fee of \$1,000.5500.

b) For each application for renewal of a Residential Mortgage License, the Commissioner shall receive and there shall be paid to the Commissioner a non-refundable Renewal Investigation Fee of \$600.00.

c) Notwithstanding any other provision of these Rules,

failure to perfect an application, i.e., meet a second

request for information within 10 business days of the

request, shall automatically require the Commissioner to

issue a denial of the application. Denial under such

circumstances shall not affect new applications filed

after the denial. Upon submission of an additional

Investigation Fee, an applicant for a new license or

renewal may reapply following denial.

1. The first part of the document is a list of references. The references are listed in a standard format, with the author's name, the title of the work, and the publisher's name. The references are as follows:

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ce: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_

\_\_\_\_\_, 1991)

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**on 450.220 License Fees**

a) For each Application for a new Illinois Residential

Mortgage License on which the Commissioner has made the

a) For each Application for a new Illinois Residential Mortgage License on which the Commissioner has made the findings that a License shall be issued, the Commissioner shall receive and there shall be paid to the Commissioner, a non-refundable License Fee of \$600~~\$1,000~~.

b) For each Application for a Renewal of an Illinois Residential Mortgage License on which the Commissioner has made the finding that a Renewal License shall be issued, the Commissioner shall receive and there shall be paid to the Commissioner a non-refundable License Fee of \$1,000~~63~~4,400.

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1991)

## Section 450.250 Examination Fees

a) Time expended in the conduct of any examination of the affairs of any licensee or its affiliates pursuant to the provision of Section 4-2 of the Act shall be billed by the Commissioner at a rate of \$400 per examiner day.

**SUBPART B: FEES**

## Section 450.210 License Investigation Fees



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- b) Such fees shall be billed within forty-five (45) days following completion of the examination. However, the date of the billing shall not prejudice the validity of an invoice for any such fee or fees billed at a later date. Such fee shall be paid within thirty (30) days of receipt of the examination billing of the Commissioner.
- c) When out-of-state travel occurs in the conduct of any examination, the licensee will be billed for travel time and expenses incurred in the performance of duties. Billings for such expenses shall not exceed amounts authorized pursuant to the travel regulations of the Department of Central Management Services/Governor's Travel Control Board set forth at 80 Ill. Adm. Code 2800 (Travel).

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_  
\_\_\_\_, 1991)

**Section 450.260 Additional Full-Service Office Fees**

- a) The Commissioner shall receive and there shall be paid to the Commissioner an Additional Full-Service Office Fee of \$150 for each Notice of Intent to Establish an Additional Full-Service Office required by Subpart C of this Part.

- b) Thereafter, such fee shall be paid at the date of filing the Application for Renewal of a Residential Mortgage License. Provided, however, such fee shall be prorated for that portion of time in which the licensee intends to operate such Additional Full-Service Office, remaining before the annual renewal date of the licensee.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_  
\_\_\_\_, 1991)

**Section 450.280 Late Fees (Repealed)**

Thirty (30) days after the proper renewal date of a licensee, the Commissioner shall receive and there shall be paid to the Commissioner a Late Fee of \$100, and \$100 each month thereafter, until the license is either renewed or expires in accordance with Section 2-6 of the Act.

(Source: Repealed at \_\_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_  
\_\_\_\_, 1991)

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**SUBPART C: LICENSING**

**Section 450.340 Full-Service Office**

- a) Each licensee shall maintain a full-service office consistent with the provisions of Section 3-4 and 1-4(r) of the Act. At a minimum, each licensee shall:

- 1) Maintain a registered agent in Illinois; and
- 2) Provide a person or persons REASONABLY ADEQUATE TO HANDLE EFFICIENTLY COMMUNICATIONS, QUESTIONS, AND OTHER MATTERS RELATING REASONABLY ADEQUATE TO HANDLE EFFICIENTLY COMMUNICATIONS, QUESTIONS, AND OTHER MATTERS RELATING (Section 3-4 of the Act) to an application for a loan or existing loan and provide a toll-free telephone arrangement for doing so. In determining whether a licensee handles such matters in a reasonably adequate manner, the Commissioner shall consider consumer complaints received regarding such licensees and information obtained from examinations conducted and reports filed pursuant to the Act. In addition, the Commissioner shall consider whether the licensee has:

- A) Provided facilities and personnel adequate to accommodate a borrower who wishes to bring all documents applicable to his or her application for or existing home mortgage to the full-service office for examination in conjunction with an inquiry, complaint or concern.

- B) Maintained a supply of all documents required under Subparts G, H, I, J, K, and L of this Part, where such Subparts apply to the licensee.

- b) If the Commissioner determines that a licensee is not in compliance with Section 3-4 of the Act, the Commissioner shall notify the licensee in writing detailing the requirements for bringing the licensee into compliance.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_  
\_\_\_\_, 1991)

**Section 450.350 Additional Full-Service Office**



## COMMISSIONER OF SAVINGS AND LOAN ASSOCIATIONS

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Each licensee which intends to operate and maintain an additional full-service office, shall file a Notice of Intent to Establish an Additional Full-Service Office, on a form prescribed by the Commissioner, thirty (30) days prior to the proposed operation of such office. Such notice shall be accompanied by an Additional Full-Service Office Fee as set forth in Subpart B of this Part. Thereafter, such fee shall be paid at the date of filing the Application for Renewal of an Illinois Residential Mortgage License pursuant to Section 450.320 of this Subpart. Provided, however, such fee shall be pre-paid for that portion of time, in which the licensee intends to operate such additional full-service office, remaining before the annual renewal date of the licensee.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1991)

## SUBPART D: OPERATIONS AND SUPERVISION

## Section 450.410 Net Worth

- a) Amount. Except as provided in subsection (c) of this Section, each licensee shall maintain a minimum net worth of \$100,000.
- b) Calculation. Net worth shall be defined as total assets minus total liabilities, except that total assets shall not include the following:

- 1) That portion of a licensee's assets pledged to secure obligations of any person or entity other than that of the mortgagee;
- 2) Any asset (except construction loans receivable, secured by first mortgages from related companies) due from officers or stockholders having an interest;
- 3) That portion of any marketable security (listed or unlisted) not shown at the lower of cost or market, except for any shares of Federal National Mortgage Association stock required to be held under a servicing agreement which shall be carried at cost;
- 4) Any real estate held for sale or investment where development will not start within two (2) years from date of acquisition;
- 5) Any amount in excess of the lower of the cost or

## COMMISSIONER OF SAVINGS AND LOAN ASSOCIATIONS

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- 6) market value of mortgages in foreclosure, construction loans, or foreclosed property acquired through foreclosures;
- 7) Any amount shown on the books for investment in and advances to joint ventures, subsidiaries, affiliates, and selected companies which is greater than the value of said assets at equity;
- 7) Goodwill or value placed on insurance renewals or property management contract renewals or other similar intangibles;
- 8) Organization costs;
- 9) Any leasehold improvements not being amortized over the lesser of the expected life of the asset or the remaining term of the lease;
- 10) Commitment fees paid which are not recoverable through the closing or selling of loans; and
- 11) The value of any servicing contracts not determined in accordance with American Institute of Certified Public Accountants (AICPA) Statement of Position 76-2, dated August 25, 1976. Financial Accounting Standards Board Statement No. 65 and Financial Accounting Standards Board Technical Bulletin 87-3.

- c) Upon written approval of the Commissioner, a licensee, which engages solely in loan brokering as defined in Section 1-4(o) of the Act, may be excepted from complying with the net worth requirements of this Section provided such licensee provides written evidence to the Commissioner of such licensee's conformance with the net worth requirements of the United States Department of Housing and Urban Development.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1991)

## Section 450.430 Late Audit Reports

Audit reports which are not delivered within one hundred twenty (120) days of the date specified in Section 3-2 of the Act, unless extended for cause by the Commissioner, shall cause the licensee to pay a fee be fined at the rate of \$500 per day for up to three



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months. An independent auditor may be appointed by the Commissioner at the expense of the licensee at any time after the 120th day. To qualify for an extension of time, a licensee shall apply to the Commissioner in writing at least fifteen (15) days prior to the deadline. In determining whether to grant an extension of time, the Commissioner shall consider whether such extension of time is based on conditions beyond the control of the licensee. The Commissioner shall appoint an independent auditor when the licensee is engaged in the activities of residential mortgage lending and has failed after the 120th day to submit the required certified annual audited financial statements, and has not been granted an extension by the Commissioner.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1991)

**Section 450.440 Escrow**

a) Escrow funds shall be disclosed as a part of the licensee's financial statement package. Escrow funds shall be maintained in a Federally insured depository institution and may not in any case be commingled with any licensee's operating funds.

b) Where servicing includes maintenance of an escrow (impound) account for payment of tax bills and/or hazard insurance premiums, the funds collected for such account shall be placed in a Federally insured depository institution, to be removed and used only for:

- 1) authorized payments from the related escrow (impound) account for tax bills and/or hazard insurance premiums;
- 2) refunds to the mortgagor;
- 3) transferring to another Federally insured depository institution;
- 4) forwarding to the appropriate servicer in case of a transfer of servicing; or,
- 5) compliance with a regulatory or court order.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1991)

**SUBPART F: FORECLOSURE RATE**

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**Section 450.720 Computation of Illinois Residential Mortgage Foreclosure Rate**

Each licensee shall compute its Illinois Residential Mortgage Foreclosure Rate on government-insured residential mortgage loans on a form prescribed by the Commissioner. Such form shall be filed by March 1 of each year.

(a) The Illinois Residential Mortgage Rate shall be that rate determined annually by the Commissioner in accordance with Section 4-8(a) of the Act.

(b) Each licensee shall compute its Illinois Residential Mortgage Foreclosure Rate on mortgage loans on a form prescribed by the Commissioner. Such form shall be filed by March 1 of each year.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1991)

**Section 450.740 Foreclosure Rate Hearing**

a) Authority. The Commissioner shall hold public hearings concerning a licensee which is subject to examination pursuant to Section 450.730 of this Subpart. Such hearing shall be held in accordance with Section 4-8(d)(c) of the Act.

b) Notice. Written notice of the time, place, date and subject of such hearing shall be posted in both the Commissioner's Springfield and Chicago Offices at least ten (10) days prior to the hearing. The Commissioner may distribute such notice to other interested persons upon request.

c) Testimony. Testimony at such public hearings shall be taken in accordance with Section 4-8(d)(c) of the Act. Testimony may be either oral or written. If oral, the party proposing to testify must complete a witness slip which shall be provided at the hearing. If written, the proposed testimony must be received by the Commissioner prior to the hearing. Notwithstanding the foregoing, the foregoing, testimony shall be permitted at the hearing only if the party proposing to testify has completed, and the Commissioner has received, either a written letter of complaint or a consumer complaint form as prescribed by the Commissioner.



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- d) Hearings. Hearings held under this Section shall be for informational purposes only and shall not be subject to Subpart N of this Part.

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1991)

## SUBPART G: SERVICING

## Section 450.820 Transfer of Servicing

- a) No licensee shall sell or transfer servicing to, or accept or purchase servicing from, any entity other than a licensee or an entity exempt from licensing pursuant to Section 1-4(d) of the Act unless specifically authorized by the Commissioner.
- b) Any licensee who is a party to an arrangement for large transfers of servicing shall make certain that sufficient staff and facilities are dedicated to such transfers to prevent inconvenience to mortgagors.
- c) Notice to Mortgagor of Transfer. Whenever the servicing of a residential mortgage loan is transferred or sold by a licensee, or purchased or accepted by a licensee, each licensee who is a party to the arrangement shall issue to the mortgagor, simultaneous with such transfer, a notice which shall include at a minimum:

- 1) where and to whom to address questions relating to the mortgage, and a toll-free telephone arrangement of the licensee which purchased or accepted such mortgage for doing so;
- 2) the name and address to whom payments are to be submitted for at least the next three months;
- 3) the amount of each payment required for the next three (3) months. However, there shall be no violation of this requirement when the licensee is unable to predict accurately precise amounts for each of the next three (3) months. Examples of such situations may include a residential mortgage loan contract calling for a potential rate change during the relevant period, or the scheduled annual analysis of an escrow (impound) account for payment of real property taxes and/or hazard insurance;

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- 4) the effective date of the transfer;
- 5) reassurance that the transfer of servicing does not affect the terms and conditions of the mortgage;
- 6) the name and address of the regulatory authority having jurisdiction over the entity to whom payments are to be sent.

- d) Additional Responsibilities of Transferring Licensee. In addition to the notice to mortgagor described in subsection (c) above, responsibilities of a licensee who transfers or sells servicing on a residential mortgage loan shall include but not be limited:

- 1) Promptly providing the insurance carrier or agent with a notice transfer and identify both the policy number and loan number when servicing includes payment of hazard insurance premiums;
- 2) Promptly notifying the tax-bill service or taxing authority of the transfer when servicing includes payment of real property taxes;
- 3) Forward to the buying or accepting servicer:
  - A) Escrow (impound) balances;
  - B) Correspondence, bills, receipts and documents relating to the transferred loans;
  - C) Mortgage payments daily, for a period of at least sixty (60) days.

- e) In addition to the notice described in subsection (c) above, responsibilities of a licensee buying or accepting transfer of servicing of a residential mortgage loan shall include but not be limited to:

- 1) Promptly furnishing to the customer payment identification materials required by the licensee for efficient processing of customer remittances. Examples of such items are payment coupon books and preprinted envelopes;
- 2) Promptly responding to each mortgagor's questions regarding payoffs, assumptions, statements of account and general servicing procedures;



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- 3) Practicing forbearance with the mortgagor when sorting out transfer-related problems, including but not limited to delinquency and assessment of late charges.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1991)

**Section 450.860 Payoff of Outstanding Mortgage Loan**

- a) When a check or other negotiable instrument received in final payment is deposited in a financial institution, the licensee's refund policy shall conform to Section 4-213 of the Uniform Commercial Code (Ill. Rev. Stat. 1989-1987, ch. 26, par. 4-213) time requirements on making such funds available for withdrawal by the licensee.
- b) Payoff Letter. Within ten (10) business days of receipt of a written request from an entity authorized by the borrower, a licensee shall furnish a written notice of the total amount required to pay in full an outstanding mortgage loan, as of a specified date. Such payoff letter shall itemize and explain all charges included in the total figure stated.

- c) A licensee shall not charge fees at payoff for services not rendered. An example is a release fee in a case where the borrower, not the licensee, will arrange for release of the lien against the property used as security for the loan.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1991)

**SUBPART H: ADVERTISING****Section 450.910 General Prohibition**

No person, partnership, association, corporation or other entity except a licensee or an entity exempt from licensing pursuant to Section 1-4(d) of the Act shall cause to be circulated or use any advertising appearing in the State of Illinois or make any representation or give any information to any person, which indicates or reasonably implies activity involving the making, servicing or brokering of loans secured by residential real estate located in Illinois.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1991)

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\_\_\_, 1991)

**SUBPART I: LOAN BROKERAGE PRACTICES****Section 450.1010 Loan Brokerage Agreement**

Before a mortgage loan applicant, also referred to herein as "borrower" or "customer", signs a completed residential mortgage loan application or gives the licensee any consideration, whichever comes first, a loan brokerage agreement shall be required and shall be in writing and signed by both the mortgage loan applicant, also referred to herein as "borrower" or "customer", and a licensee whose services to such customer shall be loan brokering as defined at Section 1-4(o) of the Act.

- a) The loan brokerage agreement shall carry a clear and conspicuous statement that, upon request, a copy of the loan brokerage agreement shall be made available to the borrower or the borrower's attorney for review prior to signing.
- b) Both the licensee's authorized representative and the borrower shall sign and date the loan brokerage agreement at the same time, and a copy of the executed agreement shall be given to the customer at the time of signing.

- c) The loan brokerage agreement shall contain an explicit description of the services the licensee agrees to perform for the borrower and a good faith estimate of all consideration and remuneration to be exchanged in conjunction with such services. In the same area of the agreement shall be language, of prominence equal to or greater than such estimate, listing the types of situations or conditions which could materially affect the amounts indicated due to details which could not be known by the licensee at the time of signing the loan brokerage agreement. "Examples of such situation or conditions may include, but not be limited to, an appraised value different from that estimated by the borrower or credit obligations which the borrower fails to report."

- d) The loan brokerage agreement shall carry a clear and conspicuous statement as to the conditions under which the borrower is obligated to pay the licensee.

- e) The loan brokerage agreement shall provide that if the licensee makes false or misleading statements in such



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agreement, the borrower may, upon written notice:

- 1) Void the agreement;
- 2) Recover monies paid to the broker for which no services have been performed; and
- 3) Recover actual costs, including attorney fees for enforcing the borrower's rights under the loan brokerage agreement.

f) The loan brokerage agreement shall incorporate by reference the "Loan Brokerage Disclosure Statement" described in Section 450.1020 of this Subpart.

g) The loan brokerage agreement shall be the only agreement between the borrower and licensee with respect to a single loan; except, the licensee shall also provide to the customer any disclosure statement necessary to comply with Federal and State requirements, including but not limited to, the Consumer Protection Credit Act (15 U.S.C. 1601), Equal Credit Opportunity Act (Title VII), and Truth in Lending Act (Title I) and Consumer Fraud and Deceptive Business Practices Act (Ill. Rev. Stat. 1989-1987, ch. 121½, par. 261 et seq.).

(Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1991)

## SUBPART J: LOAN APPLICATION PRACTICES

## Section 450.1110 Borrower Information Document

Borrower Information Document. Before a mortgage loan applicant, also referred to herein as "borrower" or "customer", signs a completed residential mortgage loan application or gives the licensee any consideration, whichever comes first, the licensee shall give the customer a Borrower Information Document. The document may be incorporated into or appended to such material as is necessary for compliance with relative Federal requirements, including but not limited to Regulation Z (12 CFR 226). Except for the explicit wording required by subsection (a) of this Section, the following format is for illustrative purposes only; however, all of the following information shall be included in the document. ~~However, the format is for illustrative purposes only.~~

- a) Regulatory Disclosure Statement: The following statement: "This document is being provided to you

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pursuant to the Residential Mortgage License Act of 1987 ~~and this part and Rules promulgated thereunder.~~ The purpose of this document is to set forth those exhibits and materials you should receive or be receiving in connection with your residential mortgage loan application with (name of licensee), holder of a licensee (license number) and regulated by the State of Illinois, Office of the Commissioner of Savings and Residential Finance, under the aforesaid Act".

b) Significant information: Significant information on the types of situations which could affect the processing of the loan but which may not be known by the licensee at the time the application was taken. Examples of such situations may include, but not be limited to:

- 1) An appraisal value different from that estimated by the borrower;
- 2) Credit obligations which the borrower fails to report;
- 3) A change in the borrower's financial circumstances which would result in his or her ineligibility for the loan; or
- 4) A material change or discontinuation of a loan program by an investor or other entity, such as the U. S. Department of Housing, or the Veterans' Administration or a private investor.

c) "Settlement Cost Booklet": If the mortgage relates to the purchase of the security real estate, a "Settlement Cost Booklet" as required by Federal law (Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.)), that describes the settlement process.

d) Good Faith Estimate of Costs:

- 1) For any residential mortgage loan, regardless of whether it represents a position of first or junior lien against the security real estate, ~~a Good Faith Estimate of the costs that will be paid in connection with the financing pursuant to as outlined in Regulation Z (12 CFR 226), as well as a good faith estimate of amount and nature of charges discussed at Section 450.1320(b) of this part,~~



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- 2) If the mortgage relates to the purchase of the security real estate, a good faith estimate of the amount and nature of charges discussed at Section 450.1320(b) of this Part, "Charges to Seller".

e) Loan Application: A copy of the loan application or equivalent form that will have to be signed and delivered to the lender in order to obtain the loan.

f) Mortgage Escrow Account Act, Related Document: If the mortgage is not FHA-insured or VA-guaranteed and relates to the purchase of owner-occupied, single-family security real estate, unless there is a certainty that the lender will not require maintenance of an escrow account for payment of taxes, a copy of the Mortgage Escrow Account Act (Ill. Rev. Stat. 1989-1997, ch. 17, par. 4901 et seq.) along with a copy of the document to be executed by the applicant at closing with respect to use of a pledged time deposit account in lieu of an escrow account pursuant to such Act.

g) "Consumer Handbook on Adjustable Rate Mortgages": If the mortgage is an adjustable rate mortgage representing a first-lien position with respect to the security real estate, the "Consumer Handbook on Adjustable Rate Mortgages" as required by Federal regulations (12 CFR 535.33), that describes the special features of adjustable rate mortgages.

h) Documents upon Request: Upon request by the applicant, the following information shall be provided:

- 1) A sample of the form of note and mortgage that will be executed if the loan applied for is approved;
- 2) A sample copy of the commitment letter;
- 3) A general description of underwriting standards that will be considered in evaluating the application.

i) Dated Customer Acknowledgment: A provision for an applicant to acknowledge receipt of each of the above-listed disclosures, showing the date of such receipt.

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1991)

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**Section 450.1130 Maintenance of Records (Repealed)**

~~Each licensee shall maintain such Borrower Information Documents on file for three years as part of its books and records to be examined by the Commissioner.~~

(Source: Repealed at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1991)

**Section 450.1175 Maintenance of Records**

a) Loan Log. Each licensee shall maintain a loan log which shall be regularly updated and shall be produced for examination by the Commissioner. At a minimum, the log shall contain the following with respect to each loan application received during the previous 36 months:

- 1) application date;
- 2) borrower name;
- 3) property address;
- 4) loan amount;
- 5) terms, loan program;
- 6) loan officer;
- 7) name of source of application if not direct origination (i.e., mortgage broker, realtor, etc.);
- 8) date closed, denied or withdrawn if processing has terminated; and
- 9) if closed, disposition of the loan and servicing.

b) Loan File Retention.

- 1) With respect to each loan application, each licensee, except as provided in subsection (b)(2) of this Section, shall maintain the following documents on file, for 36 months from the date of closing or other termination of loan processing, as part of its books and records to be examined by the Commissioner:

A) the Loan Brokerage Agreement and Loan Brokerage



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Disclosure Statement, if any mortgage loan brokerage services were utilized by the mortgage loan applicant;

B) the Borrower Information Document;

C) all documents signed by the customer, including but not limited to the initial loan application, disclosure documents and closing documents;

D) the appraisal and credit report as well as all other third-party documents relating to the loan; and

E) all other documents in or related to the loan file.

2) Each licensee shall retain, at a minimum, the documents referenced in subsections (b)(1)(A) and (B) above. With respect to subsections (b)(1)(C) through (E) above, a licensee need retain only those documents originated by that licensee's activity in connection with the loan; however, the Commissioner may require the licensee to obtain copies of the remaining documents to produce for examination of its books and records.

c) Secondary Market Information. If a licensee sells, assigns or purchases any loans or any servicing of loans, the licensee shall retain the following documents for 36 months from the date of each transaction, as part of its books and records to be examined by the Commissioner:

- 1) the contract and delivery schedules detailing loans sold, assigned or purchased; and
- 2) the contract and delivery schedules detailing servicing sold, assigned or purchased.

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1991.

## SUBPART K: GENERAL LENDING PRACTICES

## Section 450.1230 Changes Affecting Loans in Process

- a) If it is determined during processing that a borrower

does not qualify for the loan amount, terms or program contemplated at the time of application, the licensee immediately shall provide to the customer a written, and when possible, a verbal, plain-English explanation of any program the licensee recommends as one for which the borrower may be qualified. Such explanation shall include but not be limited to detailed information on costs to the borrower.

- b) When any notice of a future or immediate change of rules or requirements is received from a secondary market underwriter, an investor, the Federal Housing Administration or the Veteran's Administration which materially affects a loan in process, the licensee processing the loan application shall so notify the customer in writing, and when possible, verbally, immediately upon receipt of such notice. Examples include but are not limited to future or immediate change of rules or requirements, discontinuation of a specific loan program, failure by the borrower to qualify and alternatives, if any, available to the borrower.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1991)

## SUBPART N: ADMINISTRATIVE HEARING PROCEDURES

## Section 450.1550 Computation of Time

Computation of any period of time prescribed by this Subpart shall begin with the first business day following the date of filing of the documentation with the Agency and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or legal holiday. Where the period of time is five (5) days or less, Saturdays, Sundays and legal holidays shall be excluded in the computation of time. Notice requirements shall be construed to mean notice received, but proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1991)



## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Licensure of Alcoholism and Substance Abuse Treatment, Intervention and Research Programs

- 2) Code Citation: 77 Ill. Adm. Code 2058

- 3) Section Numbers: Adopted Action:

2058.105 Amendment  
 2058.110 Amendment  
 2058.120 Amendment  
 2058.125 Amendment  
 2058.230 Amendment  
 2058.235 Amendment  
 2058.303 Amendment  
 2058.306 Amendment  
 2058.309 Amendment  
 2058.312 Amendment  
 2058.315 Amendment  
 2058.318 Amendment  
 2058.319 New Section  
 2058.321 Amendment  
 2058.327 Amendment  
 2058.330 Amendment  
 2058.333 Amendment  
 2058.336 Amendment  
 2058.342 Amendment  
 2058.343 New Section  
 2058.348 Amendment  
 2058.354 Amendment  
 2058.366 Amendment  
 2058.400 Amendment  
 2058.405 Amendment  
 2058.410 Amendment  
 2058.600 Amendment  
 2058.705 Amendment  
 2058.805 Amendment  
 2058.900 Amendment  
 2058.905 Amendment

- 4) Statutory Authority: Ill. Rev. Stat. 1989, Ch. 111 1/2, par. 6354-1, et seq.

- 5) Effective Date of Amendments: February 4, 1991

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference?  
 Yes

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

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- If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking? Yes

- 8) Date Filed in Agency's Principal Office: January 10, 1991

- 9) Notice of Proposal Published in Illinois Register:

May 4, 1990, 14 Ill. Reg. 6457

- 10) Has JCAR issued a Statement of Objections to this rule(s)?  
If answer is yes, please complete the following: No

- 11) Difference between proposal and final version:

- 1) Changes were made in accordance with the Memorandum of May 29, 1990 from the Administrative Code Division of the Secretary of State.

- 2) In Section 2058.105 the definition of "Research" was expanded.

- 3) An amendment to Section 2058.230 has been added regarding the Department's review of the license applicant's professional integrity, with standards for such review.

- 4) An amendment to Section 2058.235 has been added to define what change in management or control of not-for-profit organizations will necessitate a change of licensure.

- 5) In Section 2058.303 the provision regarding advisory boards has been revised to clarify the Department's intent that local representation in the management of the treatment organization can be satisfied either by creating a separate body or by appointing appropriate persons as fully participating members of the current board.

- 6) In Section 2058.309 the method of sampling of case records for quality assurance review has been further refined.

- 7) In Section 2058.315 language regarding security, consistent with Federal confidentiality requirements is added. Also, the language regarding record technician consultation has been changed to be a corrective



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measure upon a finding of violation. A record retention rule has also been added.

- 8) Section 2058.318 was further refined to make it consistent with Federal confidentiality requirements (subsection (4) was added). Also reference was made to 42 CFR Part 2 in each subsection defining what is "appropriate" disclosure.

- 9) In Section 2058.319, subsection(h) was rearranged to emphasize that the AIDS Confidentiality Act governs.

- 10) Language and the deadline for compliance with Section 2058.343 has been changed. Specific training hour requirements for direct and managerial staff have been created. Elements of the required training have been added.

- 11) Section 2058.600(h) and (i), elements have been added for the Director to consider in reviewing requests for exceptions to the janitor closet and the medication room requirements.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes

- 13) Will this amendment replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this part? None besides these.

- 15) Summary and Purpose of Amendments:

The amendments are intended to address areas of confusion which have resulted from the initial enforcement of the new licensure rules in 1988. They clarify some rules, address external and Department concerns raised during implementation, and make current provisions (particularly regarding confidentiality) more clearly consistent with other current pertinent statutes and rules.

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this adopted amendment shall be directed to:

Nancy J. Bennett  
General Counsel  
Department of Alcoholism and Substance Abuse  
100 West Randolph, Suite 5-600  
Chicago, Illinois 60601

The full text of the Adopted Amendments begins on the next page.



## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

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TITLE 77: PUBLIC HEALTH  
CHAPTER X: DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE  
SUBCHAPTER d: LICENSURE

## PART 2058

LICENSURE OF ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT,  
INTERVENTION AND RESEARCH PROGRAMS

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## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

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## Section

2058.1000 Special Committee on Licensure

AUTHORITY: Implementing Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 11-501(e)), Sections 711 and 1508 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1989, pars. 711 and 1508), and the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 6351-1 et seq.) and authorized by Article IV of the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 6354-1 et seq.).

SOURCE: Adopted at 12 Ill. Reg. 14524, effective September 6, 1988; amended at 15 Ill. Reg. 2597, effective February 4, 1991.

## SUBPART A: GENERAL PROVISIONS

## Section

2058.105

Definitions

"Acceptance of the client" in a designated program means that the client meets the criteria as set forth in Section 10-101 of the Alcoholism and Other Drug Dependency Act. (Ill. Rev. Stat. 1987

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1989, ch. 111 1/2, par. 6360-1) and conditions for delivery of services by the designated program.

"Act" means the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6360-1 et seq.).

"Admission" means the process of initiating treatment services.

"Adolescent" means a person who has reached the twelfth (12th) birthday but has not yet reached the eighteenth (18th) birthday.

"Adults" are defined as persons who are eighteen (18) years of age or older.

"Assessment" means the aggregate set of services provided to treatment clients in order to determine the nature and scope of physical, emotional, behavioral and social needs.

"Authorized Prescriber" means a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987 1989, ch. 111, par. 4400-1 et seq.) or a physician under Federal Authority who issues prescriptions pursuant to 21 CFR 1301.25 (1987).

"Authorized Program Representative" means the individual designated in the application by the owners or corporation to act on its behalf with regard to the provision of services under the Alcoholism and Other Drug Dependency Act (the Act) (Ill. Rev. Stat. 6351-1 et seq.).

"Client" means a person who receives treatment or intervention services. The term is synonymous with "consumer," "patient," "recipient of treatment," and "resident."

"Controlled Substance" means a drug or substance, or immediate precursor in the Schedules of Article II of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987 1989, ch. 56 1/2, par. 1201 et seq.).

"Discharge" means the point at which the client's involvement with a facility is terminated either by action of the client or by a written decision by the facility and the facility no longer maintains responsibility for the care of the client.

"Driving Under the Influence (DUI) Program" means evaluation, remedial education, or referral to treatment for persons charged with DUI of alcohol or other substances.



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"Existing Facility" applies to a building in which an existing program is licensed and in place on or before June 30, 1988. Costs of remodeling or renovation of such a facility shall not exceed 50% of its replacement value. Buildings which are under construction contract on or before June 30, 1988, and which will have all construction completed by December 31, 1988, will be classified as an existing facility.

"Facility" means the building or premises, including the grounds and any satellite premises included in the license for the facility which are used for treatment, intervention or research activities as specified in this Part.

"Halfway House" means a type of residential treatment facility which provides a twenty-four (24) hour, live-in, structured, treatment environment with activities focusing on job and other independent living skills, such as managing personal finances and building social relationships.

"Incident Report" means a facility's internal document which describes an event that is likely to lead to adverse effects (severe illness, loss of life, or need for emergency medical services) or that varies from established policies and procedures pertaining to client care.

"Intake" means the aggregate set of services provided to clients in the process of admission to a treatment or designated program facility. These include client screening and client orientation to the facility's services and requirements.

"Intensive Outpatient" means the provision of face to face treatment services to an individual who is experiencing a problem with alcohol or other drugs, who receives at least 15 hours per week of such services from the licensed facility, but who does not receive room and board as a part of these services.

"Intervention" means activity or services performed by DUI programs, designated programs, or BASSET programs, as set forth more specifically in Section 2058.110 and Subpart D below.

"Investigational New Drugs" are those substances which require approval by the U.S. Food and Drug Administration for trials with human subjects pursuant to 21 CFR 312 (1987).

"Medical Detoxification" means a type of treatment facility which provides services and activities focusing on therapeutic procedures administered under medical supervision which relieve the severity of withdrawal from alcohol or other drugs.

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"Methadone" means a synthetic narcotic analgesic drug (4,4-diphenyl-6-dimethylamino-heptanone-3-hydrochloride) which is approved by the U.S. Food and Drug Administration (FDA) for use in narcotic treatment programs for purposes of detoxifying or maintaining persons dependent on heroin or other morphine-like drugs.

"Methadone Treatment - Long-term Detoxification" means detoxification treatment for a period of more than thirty (30) days but not in excess of 180 days using methadone as an ancillary medical support to treatment services.

"Methadone Treatment - Short-term Detoxification" means detoxification treatment for a period not in excess of thirty (30) days using methadone as an ancillary medical support to treatment services.

"Methadone Treatment - Maintenance" means the dispensing of methadone for more than 180 days using methadone in support of the treatment of an individual for dependence on heroin or other morphine-like drugs for the purpose of suppression of opiate withdrawal symptoms without the induction of opioid intoxication and including periodic evaluation to initiate withdrawal and a return to a drug-free state.

"New Facility" means any facility applying for an initial license on or after July 1, 1988, whether newly constructed or previously existing for some other purpose. New Facility also applies to an existing facility in which remodeling or renovation costs are in excess of 50% of the building's replacement value.

"Outpatient" means the provision of face to face treatment services to an individual who is experiencing a problem with alcohol and other drugs, but who does not receive room and board as part of these services.

"Physician" means a person who is licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987, ~~†111-Rev.-Stat.-1987; ch.-111; par.-4460-i-et-seq-7~~

"Practitioner" means a physician, dentist, podiatrist, veterinarian, scientific investigator, pharmacist, licensed practical nurse, registered nurse, other person, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise permitted by the United States pursuant to 21 CFR 1301.21 (1987) or this State to distribute, dispense in accordance with Section 312 of the Illinois Controlled Substances Act ~~†111-Rev.-Stat.-1987; ch.-56-i/2; par.-1312~~, conduct research with respect to,



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administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

"Principal Scientific Investigator" means the person engaged in controlled substances research who has ultimate responsibility for the research project.

"Professional Staff" means any of the staff in a treatment program who deliver or provide intake; assessment; treatment planning; individual, group, or family counseling; discharge planning; medication dispensing; or rehabilitation services to treatment clients.

"Psychiatrist" means a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 (Ill. Rev. Stat., ch. 411, par. 4400-1 et seq.) and who meets the requirements of Section 1-121 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1987 1989, ch. 91 1/2, par. 1-121).

"Readmission" means the act of initiating services to an individual who previously received any prior treatment in the same facility or in another facility under the control or supervision of the entity controlling or supervising the readmitting facility. Readmission processes include all admission activities and a specific examination of prior treatment experiences.

"Research" means research done for legitimate purposes and involving the possession, dispensing, use, or administration of controlled substances, as enumerated in Articles I and II and Section 508 of Illinois Controlled Substances Act or specified in Sections 11, 15 and 15.1 of the Cannabis Control Act, Ill. Rev. Stat. 1989, ch. 561, par. 701 et seq.

"Residential" means a 24-hour, live-in, structured, supervised, treatment environment.

"Residential Rehabilitation" means a residential treatment facility which provides a twenty-four (24) hour, live-in environment and activities focusing on changing client behaviors and increasing client knowledge of the effects of alcohol and other drugs' use and abuse.

"Revocation" means the termination of a license by the Department.

"Satellite Facility" means the premises where treatment, intervention, or research activities are conducted, but where such activities are limited to less than sixteen (16) hours per week.

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Activities conducted in a satellite facility shall be owned and operated by a facility licensed under this Part.

"Seclusion" means that the treatment client is required to remain in a part of the treatment facility that is not part of the common client areas used for daily activities, and the client is not permitted to participate in the usual activities of the facility.

"Significant Incident Report" means the documentation that a facility is required to submit to the Department in the event that a life-threatening accident or other event occurs which requires the services of the fire department, the police department, or the coroner.

"Small Facility" means the premises where treatment activities are conducted, but where such activities are carried out by three (3) or fewer full time equivalent professional staff members.

"Social Setting Detoxification" means a type of residential treatment facility which provides intake and admission services on demand and a twenty-four (24) hour, live-in environment with activities focused on crisis intervention and referral services.

"Support Staff" means the clerical, administrative, and facility management personnel who do not deliver direct services to treatment clients.

"Treatment" means a continuum of activities or services provided to persons addicted to or abusing alcohol or other drugs. Services or activities include intake; assessment; treatment planning; individual, group or family counseling; and discharge planning.

"Treatment Plan" means an individually tailored written plan for a treatment client which identifies the care and treatment to be provided to the client based upon an assessment of individual problems, needs, and strengths and weaknesses.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991.)

## Section 2058.110 Facilities Subject to Licensure

The Department of Alcoholism and Substance Abuse (the Department) shall issue licenses for the following categories of services:

## a) TYPE A: Treatment Licenses

- 1) Treatment licenses shall be required for facilities engaged in a continuum of activities or services to persons who are addicted to or abusing alcohol or other drugs. Treatment services and activities include intake; assessment; treatment



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planning; individual, group or family counseling; and discharge planning. A satellite facility supervised by a licensed residential or outpatient treatment facility is not required to hold a separate license.

- 2) The Department shall issue licenses for two (2) categories of treatment as follows:

A) TYPE A(1): Residential Treatment  
Facilities delivering treatment activities or services to clients and which also provide room and board for clients shall be licensed as residential treatment facilities. A facility may apply to provide more than one type of residential service at a single premise or location (e.g. residential rehabilitation - adult and social setting detoxification - adult) but shall be authorized as part of the single residential license for that premise or location. Specific requirements for residential treatment facilities are included in Subpart C and Subpart F of this Part, and include requirements for the following subcategories of residential treatment:

- i) Residential Rehabilitation - Adult  
These treatment facilities are licensed to provide residential treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult residential rehabilitation facilities specified in Section 2058.374. The facility may use methadone as an ancillary medication service for detoxification or withdrawal from dependence on opiates in accordance with the requirements specified in Section 2058.369. Residential Rehabilitation - Adolescent  
These treatment facilities are licensed to provide residential treatment services for persons aged twelve (12) through seventeen (17) years and shall also meet the additional requirements for adolescent residential rehabilitation facilities specified in Section 2058.376. Exceptions will be permitted for persons aged ten (10) and eleven (11) years on an individual case basis upon approval by the Department.
- iii) Halfway House - Adult  
These treatment facilities are licensed to provide residential treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult halfway house facilities specified in Section 2058.378. Social Setting Detoxification - Adult  
These treatment facilities are licensed to provide residential treatment services for persons aged

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eighteen (18) years or older and shall also meet the additional requirements for adult social setting detoxification facilities specified in Section 2058.380.

- v) Medical Detoxification - Adult  
These treatment facilities are licensed to provide residential treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult medical detoxification facilities specified in Section 2058.382. The facility may use methadone as an ancillary medication service for detoxification or withdrawal from dependence on opiates in accordance with the requirements specified in Section 2058.369. Medical Detoxification - Adolescent  
These treatment facilities are licensed to provide residential treatment services for persons aged twelve (12) through seventeen (17) years and shall also meet the additional requirements for adolescent medical detoxification facilities specified in Section 2058.384. The facility may use methadone as an ancillary medication service for persons aged sixteen (16) and seventeen (17) years for detoxification from dependence on opiates in accordance with the requirements specified in ~~subsection~~ Section 2058.369(b).

- vi) TYPE A(2): Outpatient Treatment  
Facilities delivering treatment activities or services to clients and which do not provide room and board shall be licensed as outpatient treatment facilities. A facility may apply to provide more than one type of outpatient service at a single premise or location (e.g. outpatient adult and intensive outpatient adolescent), but all such services shall be authorized as part of the single residential license for that premise or location. Specific requirements for outpatient treatment facilities are included in Subparts C and F of this Part, and include requirements for the following subcategories of outpatient treatment:

- i) Outpatient - Adult  
These treatment facilities are licensed to provide outpatient treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult outpatient facilities specified in 2058.388. The facility may use methadone as an ancillary medication service for detoxification or withdrawal from dependence on



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opiates in accordance with the requirements specified in subsection Section 2058.369(b).

- ii) Outpatient - Adolescent  
These treatment facilities are licensed to provide outpatient treatment services for persons aged twelve (12) through seventeen (17) years and shall also meet the additional requirements for adolescent outpatient facilities specified in Section 2058.390. Exceptions will be permitted for persons aged ten (10) and eleven (11) years on an individual case basis upon approval by the Department.

- iii) Intensive Outpatient - Adult  
These treatment facilities are licensed to provide intensive outpatient treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult intensive outpatient facilities specified in Section 2058.392. The facility may use methadone as an ancillary medication service for detoxification or withdrawal from dependence on opiates in accordance with the requirements specified in subsection Section 2058.369(b).

- iv) Intensive Outpatient - Adolescent  
These treatment facilities are licensed to provide intensive outpatient treatment services for persons aged twelve (12) through seventeen (17) years and shall also meet the additional requirements for adolescent intensive outpatient facilities specified in Section 2058.394.

- v) Medical Detoxification - Adult  
These treatment facilities are licensed to provide outpatient treatment services for persons aged eighteen (18) years or older and shall also meet the additional requirements for adult medical detoxification facilities specified in Section 2058.396. The facility may use methadone as an ancillary medication service for detoxification or withdrawal from dependence on opiates in accordance with the requirements specified in subsection Section 2058.369(b).

- b) TYPE B: Intervention Licenses  
The Department shall issue four (4) categories of intervention licenses in accordance with the requirements specified below. A satellite facility supervised by an administrator of a licensed intervention facility is not required to hold a separate license. Such intervention licenses shall be required for facilities engaged in the following services or activities:

- 1) TYPE B(1): DUI Evaluation

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Facilities evaluating persons who are charged with driving under the influence (DUI) offenses pursuant to Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987 1989, ch. 95-1/2, par. 11-501) and who perform such evaluations for submission to the Illinois courts or the Secretary of State shall be licensed as DUI evaluation facilities. Specific requirements for these DUI evaluation facilities are included in 77 Ill. Adm. Code 2056.

- 2) TYPE B(2): Designated Program  
Facilities which provide screening, assessing, referring and tracking activities and services pursuant to Article X of The Act and who carry out such activities or services as the designated program for the Department, shall be licensed as designated agent facilities. Specific requirements for these designated program facilities are included in Subparts D and F of this Part.
- 3) TYPE B(3) DUI Remedial Education  
Facilities providing remedial education services to persons charged with driving under the influence (DUI) offenses pursuant to Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987 1989, ch. 95 1/2, par 11-501) shall be licensed as DUI remedial education facilities. Specific requirements for these DUI remedial education facilities are included in 77 Ill. Adm. Code 2056.
- 4) TYPE B(4): Beverage Alcohol Sellers and Servers Education and Training (BASSET)  
Facilities providing training services to beverage alcohol sellers and servers pursuant to the Act ~~Illinois-Alcoholism and-Other-Drug-Dependency-Act-(111-Rev-Stat-1987-ch-111-1/2-par-6352-1)~~ shall be licensed as Beverage Alcohol Sellers and Servers Education and Training (BASSET) facilities. Specific requirements for these BASSET facilities are included in 77 Ill. Adm. Code 2056.
- c) TYPE C: Research Licenses  
A Research licenses shall be required for a facilities program using controlled substances for research as enumerated in Articles I and II and Section 508 of the Illinois Controlled Substances Act ~~(111-Rev-Stat-1987-ch-56-1/2-par-1106-et-seq-7-1203-et-seq-7-and-1508)~~ and/or as specified in Sections 11, 15, and 15.1 of the Cannabis Control Act. ~~(111-Rev-Stat-1987-ch-56-1/2-par-711-715-and-715-1)~~ Specific requirements for these controlled substances research facilities are included in Subparts E and F of this Part.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

Section 2058.120 Applicability



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- a) The Section promulgated herein This Part shall apply to all persons engaged in treatment, intervention, or research activities as defined in Section 2058.105 and as specified in Section 2058.110, except as specifically exempted in Section 1-105 of the Act Illinois Alcoholism and Other Drug Dependency Act (111 Rev. Stat. 1987, ch. 111-1/2, par. 635i-5).
- b) Except for hospitals, persons exempted pursuant to Section 1-105 of the Illinois Alcoholism and Other Drug Dependency Act shall be subject to licensure as a treatment, intervention or research facility under this Part whenever the following circumstances occur:
- 1) the practitioner advertises in public media that the practice is devoted to alcoholism or other drug abuse treatment; intervention or research as defined in Section 2058.105 or as defined by the Illinois Alcoholism and Other Drug Dependency Act (111 Rev. Stat. 1987, ch. 111-1/2, par. 635i-3); or
  - 2) the practitioner holds himself/herself out to be a specialist in treatment, intervention, or research services to alcoholics or other drug abusers and the practitioner engages in the treatment, intervention, or research activities defined in Section 2058.105 (or as defined by the Illinois Alcoholism and Other Drug Dependency Act (111 Rev. Stat. 1987, ch. 111-1/2, par. 635i-3)).

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991.)

## Section 2058.125 Cessation of Operations

- a) A licensee which desires to cease operations shall notify the Department at least thirty (30) days prior to the date on which cessation of operations is scheduled to occur. The facility shall insure that all clients have been apprised of the pending cessation of operations. The licensee shall insure that the needs of all clients are met by alternate means, and shall notify the Department within ten (10) days prior to closure of any case in which it is anticipated that a client's needs cannot be met by existing systems of treatment or care.
- b) Upon receipt of notice from a licensee that it intends to cease operations at a location, the Department will schedule an on-site inspection to insure that the controlled substances inventory is transferred or destroyed in accordance with the Drug Enforcement Administration (DEA) requirements set forth at 21 CFR 1307.14 and 21 CFR 1301.21 (1987), respectively, that all client files are stored in a location which meets the security requirements of Section subsections 2058.315(a)(1) and (a)(4) for a period of three (3) years, and that all client records remain available for review. Upon cessation of operations, the license will be canceled; shall automatically become null and void, and all documentation of licensure shall be surrendered to the Department, immediately. In

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addition to voluntary cessation, the inability of a program to continue to operate as licensed, whether because of damage to the facility, lack of staff or other cause, shall also be considered to be cessation of operation.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991.)

## SUBPART B: APPLICATIONS/RENEWALS/APPLICATION FEES

## Section 2058.230 Verification of Application Information

- a) The Department may verify the data furnished by a facility in any application for licensure. Submission of an application carries implied consent to permit inquiry into the data furnished in any instance when an examination of submitted information discloses an anomaly or disparity in the information in comparison to facility information on file at the Department or other data submitted by other facilities.
- b) The Department shall, either before or after the issuance of a license, request the cooperation of the State Fire Marshal, county health departments, or municipal boards of health to make investigations if the Department is unable through its own resources to ascertain compliance with this Part.
- c) Upon receipt by the Department of evidence to the contrary, the Department may verify that the physical, mental and professional capability and integrity of management, control and/or ownership personnel is sufficient to assure that the applicant program can perform anticipated services with reasonable judgment, skill and safety. In determining such capability and integrity the Department may consider, but not be limited to the following:
- 1) the accuracy of materials and information maintained and/or submitted in the course of the establishment or operation of the services;
  - 2) prior criminal conduct by such personnel;
  - 3) prior violations of this Part by such personnel;
  - 4) the prior provision of substandard services by such personnel;
  - 5) competent evidence of emotional, psychological and/or physical impairment which may substantially interfere with the provision of services as licensed; and
  - 6) the timeliness of responses to the Department's reasonable request(s) for information from such personnel.

Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991.)

## Section 2058.235 Change of Ownership

- a) A license shall become null, void, and of no further effect when any of the following occurs:



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- 1) change in ownership involving more than ten (10) percent of the aggregate ownership interest within a one (1) year period;
- 2) change in the members of the board of directors of a not-for-profit corporation licensee involving seventy (70) percent or more of the board members within a one (1) year period or take over of the not-for-profit by another legal entity;
- 32) change in location; or
- 43) dissolution of the corporation.
- b) A license issued to a corporation which is subsequently dissolved shall not be reactivated upon reinstatement of the corporation. Such a corporation must reapply for licensure.
- c) The license certificate(s) shall remain the property of the Department and shall be returned to the Department if there is a change in ownership, location, or if the license is suspended, revoked or modified.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

SUBPART C: TREATMENT FACILITIES

Section 2058.303 Advisory Board

- a) The owner(s), governing body, board of directors or partners of organizations seeking or holding one or more licenses for treatment facilities under this Part shall appoint and maintain advisory members through one of the following methods:
  - 1) by appointing at least five (5) members to the governing body who reside within fifty (50) miles of one or more of the licensed facilities operated by the organization; these advisory members shall have no direct or indirect financial interest in the organization; or
  - 2) by appointing an advisory board separate and apart from the governing body, owners, or board of directors of at least five (5) members who reside within fifty (50) miles of one or more of the licensed facilities operated by the organization; these advisory members shall have no direct or indirect financial interest in the organization;
- b) The governing body or advisory board shall be responsible for providing review and comment on the need for and types of services for treating alcoholism and other drug abuse in the geographic area of the facilities operated by the organization.
- c) For the purposes called for in this rule, the advisory board or governing body shall meet at least three (3) times per year.
- a) Local representation on the board of directors of licensees for treatment under this Part shall be maintained. (If there is no board of directors of the licensee organization, the licensee shall comply with subsection (a)(2) below.)

If the licensed program is located fifty miles or more from its parent organization's principal administrative offices or from where the board sits, the organization shall either:

- 1) appoint at least one person to the board of directors who resides within fifty miles of the licensed facility so located, for each facility so located. Such members shall be full members of the board of directors; or
- 2) appoint an advisory board separate and apart from the board of directors which consists of at least one member who resides within fifty (50) miles of the licensed facility so located for each facility so located, or appoint such a separate advisory board for each facility so located, consisting of members who reside within fifty (50) miles of the facility so located. Any separate advisory board shall consist of at least five members in total.

- b) The advisory board, if a separate body, or the above-mentioned local members of the board of directors, shall be responsible for providing review and comment on the need for and types of services required for treating alcoholism and substance abuse in the geographic area(s) of the facilities operated by the organization, and on any other issues of concern in the operation of the local facility.
- c) The advisory board, if a separate body, or the board of directors with its local members, shall meet at least three times per year to discuss the issues as required by this Section.
- d) Minutes of advisory board or governing body board of directors meetings held pursuant to the requirements of this rule Section shall be kept and shall include the following:
  - 1) the date of the meeting;
  - 2) the names of members who attended;
  - 3) at one meeting each year, a record of the review and approval of the licensed facility's professional services plan and quality assurance system;
  - 4) any decisions reached and actions taken; and
  - 5) the reports of the authorized program representative and others.
  - 6) Compliance date for all standards in this Section - July January 1, 1989 1991.
- e) The advisory board members and above-mentioned local members of the board of directors shall have no direct or indirect material financial interest in the organization. Advisory board members shall comply with conflict of interest provisions as set forth in the General Not For Profit Corporation Act of 1986 (Ill. Rev. Stat. 1989, ch. 32, par. 108.60).

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

Section 2058.306 Plan for Professional Services



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- a) Each licensed facility shall prepare and implement a written plan for professional services which includes an annual services plan and a professional staff plan.
- b) The plan for professional services shall be reviewed at least annually by the authorized program representative, shall be revised as necessary, and shall be signed and dated by the governing-body board of directors or the advisory board as required in subsection 2058.303(d)(3).
- 1) There shall be documentation that the facility has considered findings from the quality assurance system in reviewing the plan.
- 2) There shall be documentation that the results of the review of the plan for professional services are made available to staff.
- c) The annual services plan shall include the following:
  - 1) a description of all of the services and activities offered by the facility, including those services required by this Subpart for the type of license held by the facility;
  - 2) a delineation of the qualifications of professional and support staff assigned to provide each of the services and activities described in subsection (c)(1) above;
  - 3) an estimate of the number of clients to be served during the year;
  - 4) a delineation of the number and types of professional staff needed to provide services and activities for the estimated client load; and
  - 5) a description of the services or activities which use volunteers.
- d) The professional staff plan shall include the following:
  - 1) a description and chart showing the professional staff organization which assigns lines of authority and supervision; and
  - 2) staff growth and development activities which shall be provided for administrative, professional, and support staff to improve staff capability to implement the facility's plan for professional services.
- e) In implementing the plan for professional services, the facility shall include the following:
  - 1) professional and support staff to implement the annual services plan;
  - 2) documentation that professional staff meet all federal, state, and local requirements for licensing, registration or certification including provisions for staff operating within professions with protected titles;
  - 3) documentation that all professional staff are qualified in accordance with the requirements of the annual services plan to perform their assigned treatment responsibilities;
  - 4) documentation that orientation and training programs have been provided for all employees;

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- A) orientation programs shall be completed not later than the 30th day of employment;
- B) orientation programs shall include the specific duties assigned to the employee, procedures for handling incidents and emergencies, and familiarization with existing staff backup and support systems;
- 5) documentation of the participation of administrative, professional, and support staff in staff development and in-service training programs;
- 6) documentation that staff development is under the direction of a designated professional staff member who may delegate responsibility for any part of the staff development activities;
- 7) documentation that staff development activities include opportunities to participate in education programs outside the facility, such as workshops, institutes, formal continuing education courses, and local and national certification;
- 8) documentation that the facility has written personnel procedures approved by the owner(s) or the authorized program representative.
- f) Personnel procedures shall apply to all full and part-time employees and shall include:
  - 1) procedures for recruiting, selecting, promoting and terminating staff;
  - 2) procedures for verifying applicant or employee information;
  - 3) procedures for protecting the privacy of personnel records;
  - 4) procedures for performance appraisals, and review and update of job descriptions for all positions in the facility;
  - 5) procedures for disciplinary action, including suspension and termination;
  - 6) procedures for employee grievances;
  - 7) procedures for on the job accident and/or injury, including handling of emergencies;
  - 8) relationships with employee organizations;
  - 9) procedures for handling instances of (suspected or confirmed) client abuse and/or neglect by staff, whether paid or volunteer;
  - 10) procedures for handling instances of (suspected or confirmed) alcohol and other drug use and abuse by staff;
  - 11) hiring professional staff with a felony conviction or subsequent incarceration within the two years prior to employment. Request for exception to this requirement must be made in writing to the Department indicating the individual concerned, the job designation, and skills offered. Such exceptions are to be signed by the owner(s), the governing body designee, or the authorized program representative;



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- 12) documentation that the personnel procedures, and any changes in procedures, have been distributed to employees and are available on request;
- 13) documentation of the name, address, and telephone number of the employee, the employee's social security number; name, address, and phone number of next of kin; resume and evidence of qualifications, documentation of training and continuing education received while employed by the facility, professional certification, current licensing and/or registration, if applicable, dates of employment and separation from the facility; and,
- 14) a requirement that professional staff shall be at least eighteen (18) years of age.
- 15) Documentation of background checks through the Department of Children and Family Services to determine that an employee in an adolescent residential facility has not been convicted of offenses against children has not been the perpetrator in an indicated child abuse or neglect report, as authorized by Section 11.1 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1987 1989, ch. 23, par. 2061.1).
- g) There shall be documentation that all personnel procedures have been reviewed and approved at least once each year by the owner(s) or the governing body, and dated when reviewed or revised.
- h) A staff member shall be assigned to coordinate the volunteer services program, if volunteers are used in the facility. The volunteer coordinator shall provide an orientation to:
  - 1) the facility's plan for professional services;
  - 2) the responsibility for maintaining client confidentiality;
  - 3) procedures for responding to unusual events and incidents; and
  - 4) assignment of each volunteer to specific duties.
- i) Exceptions to subsections 2058:306(d), (e), (f), (g), and (h) may be requested where the facility is part of a larger organization and these procedures and requirements are maintained for the larger organizational entity.
- j) Compliance date for this Section - July 1, 1989.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991.)

## Section 2058.309 Quality Assurance System

- a) The facility shall establish and maintain a quality assurance system which contains the following components:
  - 1) a facility and program evaluation which measures the facility's performance against the criteria set by the facility in the plan for professional services;
  - 2) a utilization review system which analyzes the facility's policies and practices in admissions, readmissions, length of stay, and criteria for denying admission; and

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- 3) requirements for periodic client care monitoring meetings which examine selected individual client care and services provided in accordance with subsection (i).
- b) The facility and program evaluation shall measure the levels and types of services delivered and the performance of the facility against the established plan for professional services and shall be completed for the following required services:
  - 1) intake services;
  - 2) assessment services;
  - 3) treatment planning;
  - 4) counseling services;
  - 5) discharge planning;
  - 6) emergency services; and
  - 7) referral or consultation services.
- c) If any of the services listed below are included in the facility's plan for professional services, the facility evaluation shall also include:
  - 1) rehabilitation services;
  - 2) medication dispensary services; and
  - 3) food services.
- d) The facility and program evaluation shall be completed annually and its findings incorporated as part of the factual basis for the subsequent year's plan for professional services (See subsection Section 2058.306(c)).
- e) The facility shall designate the individual(s) responsible for completing the facility and program evaluation. Compliance date for the facility evaluation - July 1, 1990.
- f) The utilization review system shall include reviewing the facility policies listed below, testing a sample of cases to measure that these policies are carried out in actual practice in the facility, and making recommendations for changes in the following:
  - 1) client admission criteria;
  - 2) length of stay norms and variances;
  - 3) exclusionary admission criteria;
  - 4) referral procedures for persons denied admission;
  - 5) readmission criteria; and
  - 6) discharge criteria.
- g) The activities and procedures used in the facility's utilization review system shall also include the following requirements:
  - 1) a delineation of the staff participating in the utilization review system (the utilization review committee);
  - 2) conflict of interest policies which preclude professional staff from reviewing their own cases;
  - 3) assurance of client confidentiality and privacy;
  - 4) requirement that notice of all admissions be sent to the utilization review committee;
  - 5) specifications of the sampling methodology to be used in selecting cases for review by the utilization review



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committee, assuring a minimum statistically valid representative sample of 15% of all persons seeking admission to each licensed program (such sampling shall be randomly selected, shall consist of at least 15% of all persons seeking admission to each program, but no less than 5 cases and no more than 20 cases from each program); and

6) issuance of a report of findings of the utilization review committee at least once every six months which is available to all professional staff.

7) Compliance date for utilization review activities - July 1, 1990.

h) The facility shall conduct client care monitoring meetings which include the review of a sample of treatment and other services provided and which include a review of the following:

- 1) unresolved diagnoses;
- 2) unimproved clients;
- 3) treatment failures and complications in treatment;
- 4) use of special treatment procedures;
- 5) use of experimental or investigational drugs;
- 6) medication usage; and
- 7) client care incidents or emergencies.

i) The facility shall maintain written requirements for client care monitoring meetings which include:

- 1) a requirement that such meetings are held at least quarterly;
- 2) the sampling method for selecting cases for review assuring at least a 15% sample of cases a statistically valid representative sample of cases as described in subsection (a)(5);

3) the participants in the meeting; and

4) records documenting the results of the meeting.

j) Client care monitoring meetings shall not include information concerning or a review of any Human Immunodeficiency Virus (HIV) and/or AIDS related services provided to any identified client, except that participation in risk reduction education and/or other HIV or AIDS related education provided to all clients may be reviewed.

k) Client care monitoring meetings may be held in conjunction with treatment plan reviews, if the treatment plan review includes participation of more than one professional staff member. Compliance date for client care monitoring activities - July 1, 1989.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991.)

Section 2058.312 Client Rights

- a) Each facility shall have a written statement which describes the following rights of clients admitted for treatment:

- 1) access to treatment will not be denied on the basis of race, religion, or ethnicity. For facilities receiving federal or State support or assistance in any form, this statement shall also include handicapping conditions;
  - 2) all treatment services offered in the facility will be available regardless of the source(s) of financial support;
  - 3) treatment will be provided in the least restrictive environment;
  - 4) each client will have and, on request will have access to, a current individual treatment plan;
  - 5) the confidentiality of clinical records is protected by federal and state statutes as well as by program policy;
  - 6) the client has a right to refuse treatment or any specific treatment procedure and a right to be informed of the consequences resulting from a refusal of treatment or of a treatment procedure; and
  - 7) a description of the route of appeal available when a client disagrees with a facility's decision, policies, or procedures; and
  - 8) the rights regarding confidentiality of HIV/AIDS status and testing as set forth in Section 2058.319.
- b) Residential facilities may impose restrictions on the privacy, movement, or communications of individual clients or a group of clients within the limitations set forth below:
- 1) When a restriction(s) of privacy, movement, or communication is imposed on an individual, and is not imposed on all clients in a group of persons to which the client belongs (e.g. new admissions), the following procedures shall apply:
    - A) the client shall be informed of this restriction(s);
    - B) the restriction(s) shall be noted in the individual client record, and the reasons for the restriction(s).
    - C) the restriction(s) shall be reviewed and so noted in the client's record by a supervisory professional staff member at least every three days.
    - D) the client shall be informed of his/her right to an explanation of the restriction(s) and her/his right and route of appeal.
  - 2) When a restriction(s) of privacy, movement, or communication is imposed upon all clients or a group of clients:
    - A) the restriction shall be included in the facility's written procedures; and
    - B) the description of the restriction(s) shall include a reason for the policy or procedure.
  - c) A written copy of the statement which describes the rights of the client shall be given to each client at intake. The client will attest by signature that she/he has received a copy of the statement of client rights.



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- d) The statement of client rights shall be posted in an area(s) accessible to clients at all times when services are being offered.
- e) The client shall be informed of all elements in the statement of client rights in a language which she/he understands.
- f) When medications are prescribed, the statement shall state that the client has the right, to the extent permitted by law, to refuse specific medications.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

## Section 2058.315 Client Records

- a) The facility shall maintain a written client record on each client.
- 1) All client records shall be protected by a security system, either in a secure room, locked cabinets, safe or similar container for hard copy records, or in computer records where access is limited.
  - 2) All entries in the client record shall be signed and dated.
  - 3) Records maintained on computer systems shall qualify as written records. However, records requiring signature must be maintained in hard copy.
  - 4) Client records on computer database shall have a back-up system to safeguard the records in the event of operator or equipment failure.
  - 5) Client records on a computer database must include a record of entry into the database and the name of the person making the entry.
  - 6) Client records on computer database must be secure from inadvertent or unauthorized access.
- b) The client record shall document the client's intake, assessment, counseling, progress notes, other services provided by the facility, and/or discharge summary.
- c) The client record shall document all services performed at intake including:
- 1) documentation that the client has had benefit of full disclosure on levels and types of available services as outlined in Section 2058.312.
  - 2) documentation that the client and the client's family have been informed of their rights.
    - A) In family treatment, the client record shall contain documentation that all treatment participants are informed of their rights.
    - B) If a separate record is established on family member(s) of the client in treatment, this record shall contain the same information required of treatment clients.
  - 3) The client record shall contain documentation of the consent of the client, or, if family members will participate in

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- 4) treatment, family members, or guardians for admission, treatment, evaluation, aftercare, or research.
- The client record shall contain identifying data recorded on facility-standardized form(s) which include the following:

- A) name;
  - B) home address;
  - C) home telephone number;
  - D) date of birth;
  - E) sex;
  - F) race or ethnic origin;
  - G) handicapping conditions;
  - H) information on persons to be notified in the event of an emergency;
  - I) education;
  - J) religion;
  - K) marital status;
  - L) type and place of employment;
  - M) date of admission to the facility;
  - N) legal status, such as charges and convictions;
  - O) date the information was gathered; and
  - P) signature of the staff member gathering the information.
- d) The client record shall provide documentation of services performed at assessment.
- 1) The client record shall contain documentation of any medical or psychological diagnosis(es) and other client assessment findings; and
  - 2) the record shall contain reports of laboratory and/or other diagnostic procedures and reports of medical services when performed.
- e) The client record shall provide documentation of services performed in treatment planning.
- f) Treatment plans shall be signed and dated by the client.
- g) The client record shall provide documentation of services performed in treatment.
- 1) The client record shall contain reports of all medical services.
  - 2) The client record shall provide progress notes for the review and evaluation of the treatment provided to the client including individual, group, or family therapy and any rehabilitation services provided.
  - 3) The client record shall document the results of the treatment plan review.
  - 4) The client record shall contain correspondence concerning the client's treatment and signed and dated notations of telephone calls concerning the client's treatment.
- h) The client record shall document services performed at discharge.



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- 1) A discharge summary shall be entered in the client record by the professional staff person assigned to maintain the treatment plan within 15 days following discharge.
- 2) The client record shall contain a notation of the reason for discharge and a plan for aftercare, unless the client left the facility prior to developing such a plan.
- 3) If a client dies, a summation statement describing the circumstances leading to death shall be entered in the record in the form of a discharge summary.

i) The client record shall document unexpected events, regardless of when they occur in the course of treatment including:

- 1) treatment complications;
- 2) accidents or injuries to the client;
- 3) illness; and
- 4) procedures that place the client at risk of bodily harm or cause severe pain.

j) The client records shall be maintained, controlled, and supervised by a designated staff member.

- 1) In addition, the facility shall secure the consultative assistance of a registered record administrator or an accredited records technician who has successfully completed the examination requirements of the American Medical Records Association or is an administrator with the documented equivalents in education, training, and experience. The designated staff member shall at least annually, to review the client record system and, to assure that the data and format of the client records meet the requirements of the annual services plan and the quality assurance system. If a licensed program at any time is determined by the Department to be out of compliance with this Section, the Department may, without a hearing and upon written notice to the program stating the nature of the non-compliance, require the program to secure, within a set time period, the consultative assistance of a registered record administrator or an accredited records technician who has successfully completed the examination requirements of the American Medical Records Association, 919 North Michigan, Suite 1400, Chicago, Illinois, 60611, (1990). The imposition of this requirement does not preclude the initiation of a formal action to sanction the license for such non-compliance. Non-compliance with such notice and written requirement shall be a violation of this subsection. Compliance date - July 1, 1990.

2) Client records shall be kept in the facility where the client is being treated and shall be directly accessible to the professional staff providing services to the client except that information which identifies the Human Immunodeficiency Virus (HIV) status of the client must be maintained in a separate, secured record which is accessible to the facility

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pursuant to Section 9 of the AIDS Confidentiality Act (Ill. Rev. Stat. 1987 1989, ch. 111 1/2, par. 7309).

- 3) Data in the client record shall be used in training, research, the plan for professional services and quality assurance systems, provided that such data is collected in accordance with confidentiality guidelines.

k) Client records shall be maintained by a program for at least three years after discharge of the client, and for no longer than seven years.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991.)

# Section 2058.318 Confidentiality - Alcohol and Drug Abuse Patient Information

- a) The organization licensee shall have written policies and procedures controlling access to records and information which is governed by which are in conformance with the Confidentiality of Alcohol and Drug Abuse Patient Records regulations (42 CFR 2 (1987)) of the Alcohol, Drug Abuse, and Mental Health Administration of the Public Health Service of the United States Department of Health and Human Services effective August 10, 1987, which is incorporated herein by reference, and Section 8-102 of the Illinois Alcoholism and Other Drug Dependence Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6358.2). Said policies and procedures shall be consistent with said regulations and statutes. The licensee shall comply with said regulations and statutes.
- b) The contents of a record shall be disclosed to a law enforcement or prosecutorial agency to seek the assistance of such agency, or to report and prosecute the commission of a crime on the premises of the facility or against personnel of any such facility.

This Section shall not prohibit:

- 1) disclosure of information about a crime committed by a patient at the program, or a threat to commit such crime;
- 2) disclosure of information about suspected child abuse or neglect, as allowed by, required by and consistent with state law;
- 3) disclosure of a patient's own records to the patient, or as consented in writing by the patient;
- 4) communications of information between or among personnel having a need for the information in connection with their duties either within the program or between the program and an entity having direct administrative control over the program;
- 5) disclosure of information to medical personnel if necessary in a medical emergency;
- 6) disclosure of information as authorized by an appropriate court order upon showing of good cause, after appropriate procedure and notice, and with appropriate safeguards against



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- unauthorized disclosure contained in the order (as set forth in 42 CFR 2.61-2.67, (1987)).
- 7) disclosure of information to qualified personnel for the purpose of conducting scientific research (as set forth in 42 CFR 2.52, (1987)).
- 8) disclosure of information to qualified personnel who are authorized by law or who provide financial assistance for the purpose of conducting audit or evaluation activity (programmatic review or evaluation, quality review, financial or management audits, etc. (as set forth in 42 CFR 2.53, (1987)); and
- 9) any other disclosure not precluded by the regulations and statute cited in subsection (a) above, nor by any other applicable law.
- provided that any and all of the above disclosure is done consistent with the regulations and laws in subsection (a) above, is made only to the extent allowed, for the purposes allowed and that appropriate safeguards as required therein are provided.
- c) The facility licensee shall provide continuing training for all staff and specific orientation for all new personnel in the principles of confidentiality and privacy, and shall document such training.
- d) The facility licensee shall maintain files, records and information which are subject to the laws and rules cited in subsection (a) above, in a secure room, locked file cabinet, safe or other similar container when not in use. provide locked and secured rooms or files for client records
- e) When a facility licensee stores client data in electronic or other types of automated information systems, security measures shall prevent inadvertent or unauthorized access to such data.
- f) Records, which are to be disposed of, shall be burned or deleted from electronic or automated systems or shredded to assure the confidentiality of client information.
- g) No record referred to in subsection (a) of this Section may be used, obtained by judicial process or otherwise, or admitted into evidence in any proceeding in order to initiate or substantiate any criminal charges against a client or to conduct any investigation of a client. The prohibitions of this paragraph shall not be subject to waiver by any persons.
- g) Except as authorized by an appropriate court order granted pursuant to the regulations and statute in subsection (a) above, no record referred to by said laws may be used to initiate or substantiate any charges against a patient or to conduct any investigation of a patient.
- h) The prohibitions of this Section apply to records concerning any individual who has been a client, regardless of whether or when he/she ceases to be a client.

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- 1) A written notice from the Department or its designated agents, officers, and investigators shall be furnished to the facility for client identifying information to be retained by the Department. The statement shall set forth the following:
- 1) the description of information obtained;
- 2) the name and title of the individual obtaining the information; and
- 3) the purpose for which client information is obtained.
- 1) When the Department requests records or information which is subject to the regulations and statute in subsection (a) above for audit, evaluation, research or other authorized purpose from a program which is subject to licensure herein, it shall:
- 1) indicate the purpose for obtaining the information;
- 2) agree in writing to maintain the information in accordance with security requirements of said laws;
- 3) agree in writing to comply with limitations on disclosure in said laws;
- 4) agree in writing to destroy all the information upon completion of its use, and
- 5) indicate the authorized personnel to whom such information is to be submitted.
- j) The Department shall furnish the facility a written statement upon final disposition of the record, indicating Department compliance with this Section:
- 1) After the purpose of retaining a record identifying a client has been served, that record and all copies shall be either destroyed, sent back to the facility, or retained no more than two years after the record was acquired by the Department, whichever is earlier.
- 2) Where the record is needed in connection with formal legal proceedings against the facility commenced or to be commenced, the record may be retained until the termination of the proceedings.
- (Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)
- Section 2058.319 Confidentiality - HIV Antibody and/or AIDS Status
- a) The Licensee shall have written policies and procedures controlling access to records and information governed by the AIDS Confidentiality Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 7301 et seq.) (AIDS Confidentiality Act), and the AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697) (AIDS Code).
- b) The confidentiality of the following information is protected by the AIDS Act and AIDS Code:
- 1) a request for and/or signed consent to do HIV antibody testing;
- 2) an individual's HIV antibody or AIDS status;



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- 3) the fact that an individual has been tested for HIV antibodies, and/or the result of an HIV antibody test, whether negative, positive or inclusive; and/or
- 4) participation in pre-test and/or post-test counseling. This Section shall not apply to HIV and/or AIDS risk reduction education and/or counseling, or other HIV and/or AIDS education which is provided to all clients and which does not identify any individual's risk of HIV infection and/or any individual's HIV status or AIDS status, and which does not involve HIV antibody test requests and/or HIV antibody pre-test and/or post-test counseling. When dealing with information governed by the AIDS Confidentiality Act and AIDS Code, this Section shall control, notwithstanding any other provisions of this Part to the contrary.
- d) The licensee shall provide continuing training for all staff (at least annually) and specific orientation for all new personnel within 30 days of employment, in the principles of confidentiality and privacy in this Section, and shall document such training.
- e) An HIV antibody or AIDS test cannot be required as a condition of treatment, and, an individual cannot be required to sign an authorization for release of information concerning his/her HIV antibody test or HIV or AIDS status as a condition of treatment. An individual is not required to tell program staff, the executive director and/or the medical director, or anyone else, whether he/she has been tested for HIV antibodies, and/or the result of any such test.
- f) An individual who wishes to be tested for HIV antibodies must be informed that he may undergo testing on an anonymous basis.
- g) Unless disclosure is otherwise authorized by statute and rule, no information governed by the AIDS Confidentiality Act and the AIDS Code shall be released by a licensee, or by any member of its staff, to other staff members, including but not limited to the licensee's executive director, and/or to the licensee's medical director, and/or to any other person or entity, unless and until the individual in question has signed a legally effective release of information form, in accordance with the statute and rule. Release of information which is allowed by consent or by statute and rule, shall be done only to the extent provided therein.
- i) Records which document an individual's risk for HIV infection, and/or which identify an individual as having requested an HIV antibody test, and/or as having undergone such a test, and/or which identify an individual's HIV status or AIDS status, shall be maintained in the same manner as required for records which identify the HIV status of a client, as set forth in Section 2058.315(i)(2) of this Part.

(Source: Added at 15 Ill. Reg. 2597, effective February 4, 1991.)

Section 2058.321 Medical Responsibility

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- a) Medical Director
- 1) The facility shall designate a medical director who is licensed in Illinois to practice medicine in all its branches. The medical director may be part-time or serve on a consulting basis.
- 2) The medical director shall:
- A) oversee all medical standards and procedures in the program including those for medical history, medical assessment, physical examinations, medical referrals, and medication of clients; and
- B) prescribe procedures to manage medical and psychiatric emergencies.
- 3) Compliance date for subsection 2058.321(a) - July 1, 1989.
- b) Medical Services
- Each facility shall develop medical procedures which include the following:
- 1) Admission Procedures
- A) Within 24 hours of admission a medical history will be completed by staff as authorized by the medical director.
- B) ~~Where specified in the medical history procedures as proved by the medical director, if the initial medical history is not taken by a physician, within 72 hours of admission a physician will review the medical history of the client such cases by phone or in person and determine whether a physical examination is necessary. In residential facilities a physical examination shall be done unless the client provides documentation of an examination done within seven days prior to admission, sufficient under the protocols of the medical director, and the protocols so allow. Social setting detoxification facilities and small facilities which provide outpatient services, may request exemption from this 72 hour deadline requirement, provided however, that each client will be offered a referral for a physical examination and the medical director requests such an exemption exception. The exception request shall document referral protocols established by the medical director.~~
- C) If the examining physician deems it necessary, laboratory exams will be completed by the facility or through referral.
- D) The medical director or other facility physician shall review every medical history and medical assessment within one (1) week in residential facilities for those clients who remain in the facility and who are not receiving medication; within two (2) weeks in outpatient facilities for those clients who are not receiving medication; within 72 hours in residential and outpatient



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facilities where medication has been prescribed and has been verified by phone with the prescribing physician.

- E) A client shall be referred for medical, surgical, or psychiatric treatment as determined necessary by the medical director or other facility physician. Compliance date for subsection 2058.321(b) - July 1, 1989.

## 2) Program Service Agreement with Hospitals

A formal written agreement shall exist between the program and a licensed hospital(s) or medical center(s) in the community for the provision of emergency medical services for clients.

## c) Nursing Services

- 1) The facility's plan for professional services shall provide for the availability of professional nursing services to clients who require such services.
- 2) When nursing services are provided, a registered nurse plans, assigns, supervises, and evaluates nursing care (Compliance date for subsection (c)) - July 1, 1989.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

## Section 2058.327

## Intake

- a) The facility shall have intake services which include screening and orientation activities.

- b) Written policies and procedures governing the intake process shall include the following:

- 1) the criteria for admission to the facility;
- 2) the screening procedures for all applicants for admission;
- 3) the procedures for client orientation to the program;
- 4) the information to be obtained on all applicants for admission;
- 5) the records to be kept on all applicants for admission including data needed to accommodate clients with handicapping conditions;
- 6) the procedures to be followed including alternative referrals, when an applicant is found ineligible for admission; and
- 7) the statistical data to be obtained during the intake process.

- c) Criteria for determining the eligibility of individuals for admission shall be stated in writing and available to all applicants or referrals for admission.

- d) Acceptance of a client for treatment shall be based on screening activities that result in the following conclusions (for residential clients the screening and conclusions must be completed within 72 hours of the client's initial arrival at the facility):
- 1) the treatment required by the client is appropriate to the intensity and restrictions of care provided by the facility or program component;

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- 2) the treatment required can be appropriately provided by the facility; and
  - 3) the alternatives for less intensive and restrictive treatment are not available.
- e) Client orientation activities shall include the following:

- 1) a description of client rights as required in Section 2058.322;
  - 2) the nature and goals of the treatment program as well as procedures, and treatment that he/she will receive;
  - 3) an introduction to the professional staff member(s) who serves as the primary contact with the facility for the client;
  - 4) the hours during which services are available;
  - 5) the risks, side effects, and benefits of all medications and treatment procedures used, especially those that are experimental;
  - 6) the alternative treatment procedures that are available in the facility;
  - 7) the cost, itemized when possible, of services to be rendered;
  - 8) any limitations placed on duration of services;
  - 9) the rules and regulations of the facility applicable to the client's conduct; and
  - 10) the discharge plan.
- f) A written, dated, and signed informed consent form shall be obtained from the client, or the client's legal guardian, for use or performance of the following activities. Such consent shall be obtained from family members who also participate.
- 1) experimental medications;
  - 2) hazardous on experimental assessment procedures;
  - 3) recording on audiovisual equipment;
  - 4) participation of the client in research projects; or
  - 5) testing for Human Immunodeficiency Virus (HIV).
- g) The intake procedure shall include an initial assessment of the client and shall be performed by professional staff.
- h) Sufficient information shall be collected during the intake process to develop a preliminary treatment plan.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

## Section 2058.330

## Assessment

- a) The facility or program shall be responsible for conducting a complete clinical assessment of each client.

- 1) The assessment shall include an examination of physical, emotional and behavioral, social, and, when the facility provides such services, recreational, legal, vocational, and nutritional client needs. Assessment shall be completed within



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- 15 days of the client's admission to the facility. (Compliance date - July 1, 1989).
- 2) The facility shall have written assessment protocols which establish minimum routine physical health assessment procedures, and routine laboratory procedures. In establishing the necessity for and extent of routine admission and laboratory studies, cost benefit factors shall be considered.
  - 3) Consideration of an individual client's needs shall include a determination of the type and extent of any special examinations, tests, or evaluations necessary for a complete assessment. Where special examinations, tests, or evaluations are necessary these services shall be provided by the facility or through referral.
  - b) The facility shall have a written procedure approved by the medical director concerning physical examinations.
    - 1) The steps employed in determining the need for a physical examination shall include the following:
      - A) reviewing when the client was last treated by a physician and when a physical examination was last performed;
      - B) determining whether the client is aware of the presence of any medical problem; and
      - C) determining what, if any, medication the client is taking.
    - 2) A physician shall make the final determination concerning the necessity for a physical examination in accordance with the requirements specified in ~~subsection~~ Section 2058.321(b)(1)(B).
    - 3) If a physical examination or laboratory test(s) is determined to be necessary, the results of the examination or test(s) shall be documented in the client record and there shall be documentation to verify that the examination or test(s) is obtained during the client's present course of treatment, either directly by the facility or through referral.
    - c) If a client is pregnant, or states that she believes that she may be pregnant, referral for appropriate services shall be arranged and shall be documented in the client's record.
    - d) Facilities shall document that a decision concerning the need to perform a physical examination or laboratory test(s) was made prior to finalizing each client's treatment plan.
    - e) A physical health assessment shall be completed within 72 hours after admission and shall include the following:
      - 1) a medical history;
      - 2) an alcohol and drug history; and
      - 3) a determination of a client's risk for ~~Human-Immune-Deficiency Virus-(HIV)~~ infection. If any documentation or record of a client's risk for HIV infection is maintained, it shall be

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- treated as strictly confidential and be maintained pursuant to Section 2058.319.
- f) Compliance date of subsection 2058-330(e)(3) - July 1, 1989. In residential facilities serving adolescents, the physical health assessment shall include the above cited minimums and evaluations of the following:
    - 1) motor development and functioning;
    - 2) speech, hearing, and language functioning; and
    - 3) visual functioning.
  - 4) Compliance date for all standards within subsection 2058-330(f) - July 1, 1989.
  - g) The facility shall have a written plan designed to assure the provision of necessary physical examinations and laboratory test(s) when such services are not directly provided by the facility.
  - h) An emotional and behavioral assessment of each client shall be completed and entered in the client record.
    - 1) The emotional and behavioral assessment includes the following:
      - A) an assessment procedure for the early detection of mental health problems that are life-threatening, are indicative of severe personality disorganization or deterioration, or may seriously affect the treatment or rehabilitation process,
      - B) a history of previous emotional or behavioral problems and treatment;
      - C) the client's current emotional and behavioral functioning; and
      - D) a history of prior treatment for alcoholism or other drug dependency or abuse.
    - 2) Written assessment protocols shall establish criteria for direct psychiatric examination, psychological assessments and other functional evaluations of language, self-care, social, affective, and visual-motor functioning, if included in the facility's plan for professional services.
    - 3) In facilities serving adolescents, the emotional and behavioral assessment shall include evaluation of the developmental age factors of the client.
    - 4) In facilities serving the severely and chronically disabled, the emotional and behavioral assessment shall include identification of the range of community resources currently utilized by the client.
    - i) A social assessment of each client shall be completed and shall include information on the following:
      - 1) environment and home;
      - 2) religion;
      - 3) childhood history;
      - 4) military service history;
      - 5) financial status;



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- 4) every ten (10) counseling contact visits or every three (3) months of outpatient care, whichever comes first; or
- 5) every thirty (30) days of residential care.
- e) The treatment plan shall include referrals for needed services that are not provided directly by the facility.
- f) The treatment plan shall contain specific objectives that relate to goals for the client, are written in measurable terms, and include expected achievement dates within the time frame of the client's participation in the program. The treatment plan shall include AIDS risk reduction counseling and education services.
- g) The treatment plan shall describe the services, activities, referrals, and consultations planned for the client and shall specify the staff member(s) assigned to work with the client.
- h) The treatment plan shall specify the frequency of treatment activities and services.
- i) The treatment plan shall delineate the specific criteria to be met for termination of treatment.
- j) The client shall participate in the development of his or her treatment plan, and such participation shall be documented in the client record and shall include the client's signature.
- k) A specific plan for involving the family or significant others shall be included in the treatment plan.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

## Section 2058.336 Progress Notes

- a) Progress notes shall be entered in the client record and shall include the following:
  - 1) documentation of implementation of the treatment plan;
  - 2) documentation of all counseling and other services rendered to the client;
  - 3) chronological documentation of the client's clinical course;
  - 4) descriptions of each change in each of the client's conditions; and
  - 5) descriptions of the response of the client to treatment(s), the outcome of treatment, and the response of significant others to events in the course of treatment.
- b) Progress notes shall be dated and signed in ink by the individual providing the service to the client and making the entry. Such notes shall be made by personnel identified by the program's plan for professional services to perform such services for the client.
- c) All entries involving subjective interpretation of the client's progress shall be supplemented with a description of the actual behavior observed.
- d) Efforts shall be made to secure written progress reports for clients receiving services from outside sources, i.e., written or

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- 6) the social, peer group, and environmental setting from which the client comes;
- 7) the client's family circumstances, including the constellation of the family group; the current living situation; and social, ethnic, cultural, emotional, and health factors, including drug and alcohol use in the family or usual living situation; and
- 8) a determination of the need for participation of family members or significant others in the client's treatment.
- 9) Compliance date for all standards within subsection 2058.336(i) - July 1, 1989.
- j) A legal assessment of the client shall be completed including information on pending criminal charges or conditions of probation or parole.
- k) If a vocational or educational assessment of the client is undertaken, the assessment shall include the following:
  - 1) vocational history; and
  - 2) educational history, including academic and vocational training.
- 3) Compliance date for all standards within subsection 2058.336(k) - July 1, 1989.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

## Section 2058.333 Treatment Plans

- a) For each client there shall be a written, individualized treatment plan that is based on an assessment of the client's clinical needs and functional strengths and limitations. Such plans shall be signed and dated by a member of the professional staff.
- b) Development and implementation of the treatment plan shall be assigned to a member of the professional staff.
- c) The treatment plan shall be developed as clinical information becomes available. The initial treatment plan shall be formulated within fifteen (15) days of admission. Therapeutic efforts may begin before a fully developed treatment plan is finalized.
- d) Provision shall be made for periodic assessment by the assigned primary professional staff person of the treatment plan and for revisions of the individualized treatment plan based on changes in the client's condition. The treatment plan shall be reviewed at key-points-in during each client's treatment course. These decision-points review times include:
  - 1) the time of admission, transfer, and discharge;
  - 2) a change in the level of client functioning such as, but not limited to, when treatment plan objectives are met or new problems or needs are identified;
  - 3) the end of the estimated length of treatment and thereafter on the revised estimate of additional length of treatment;



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documented telephone request. When available, client records from outside sources shall be included in the client record.

- e) progress notes shall be used as the basis for reviewing treatment plans.
- f) The results of any case review which describes the client's progress toward stated goals and objectives shall be recorded.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

## Section 2058.342 Infection Control

- a) In all outpatient programs where staff collect urine or come in contact with body fluids, and in any outpatient program where the medical director determines that there is a need for such, and in all residential programs, a system shall be maintained for reporting, evaluating, and maintaining records of infectious diseases among clients and personnel and shall specify assignment of staff responsibility for ongoing collection and analysis of data as well as change in procedures. Data collected shall be reviewed at least once annually and the results of the review included in the facility's quality assurance system. Such system shall be in compliance with Section 2058.319 HIV confidentiality requirements.

e)b) Infection control shall include procedures and requirements for handling body fluids and waste in accordance with guidelines issued by the U.S. Centers for Disease Control (See Section 2058-Appendix A Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers. MMWR 1989; 38 (no. S-6).

- b)c) All new employees in such programs shall be instructed in the importance of infection control and personal hygiene, and in their responsibilities in the infection control program, and in the guidelines in subsection (b) above within 30 days of employment. The facility shall maintain documentation that such in-service training has been provided to all employees within 30 days.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

## Section 2058.343 HIV Infection and AIDS Related Training

- a) Each licensee shall require that each and every staff member (whether professional, administrative or support staff, whether he administers direct or indirect services and whether he is a full or part time employee or independent contractor), shall be trained on the fundamentals of HIV infection and AIDS, in a method as provided and/or approved by the Department. Training for direct service personnel shall be completed and documented by July 1, 1991 and for other personnel by July 1, 1992. Therefore, any and all new personnel shall receive the training herein within a reasonable

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period of time after employment. Within 30 days of employment, however, such new employees shall be provided with initial orientation to the issues herein, and with a training plan to meet the requirements herein.

- b) To be approved by the Department training must consist of the following elements:

- 1) the etiology and transmission of HIV infection and associated risk behaviors;
- 2) symptomatology and clinical progression of HIV infection and AIDS;
- 3) prevention of transmission, or risk reduction;
- 4) the purpose, uses and meaning of available testing and test results; and
- 5) the confidentiality issues as set forth in Section 2058.319. The elements shall be tailored to the duties of the staff member receiving training. Treatment and direct service personnel shall receive at least 16 hours of such training. Managerial and administrative staff shall receive at least 20 hours of such training. All other personnel shall receive at least one hour of such training.

c) The personnel file of each such staff member shall contain documentation of compliance with this Section including the title, date(s) and location(s) of the training attended and the signature (with date) of the staff member who attended the training.

(Source: Added at 15 Ill. Reg. 2597, effective February 4, 1991)

## Section 2058.348 Food Services

- a) Facilities that provide 24-hour care, or that provide meals to clients, shall have a written plan for the provision of food services which describes either the organization of the food service and the delivery of food services or the arrangements for the provision of such services to clients.
- b) If food services are provided by an outside company, the contract between the facility and the company shall require the company to comply with the facility's written plan and with the standards required by this Section.
- c) In implementing the food service plan and procedures, the facility shall include the following:
  - 1) delineation of the responsibilities and authority of the cook(s) and the food service staff;
  - 2) the recording of special dietetic orders or the need for dietetic counseling in the client record;
  - 3) standards for nutritional care in evaluating the nutritional adequacy of the client's diet and in ordering diet supplements;



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- 4) procedures for altering diets or diet schedules as well as for discontinuing diets;
  - 5) procedures for the forwarding of diet information of a client upon discharge or transfer to another facility when the diet was ordered by a facility physician;
  - 6) requirements for ancillary food services, including food storage and preparation in kitchens or client units, vending operations, and ice making;
  - 7) the maintenance of safe and sanitary conditions in the preparation and handling of food, the care and cleaning of equipment and work areas, and the washing of dishes; and
  - 8) requirements for food purchasing, storage, preparation, and service.
- d) The nutritional aspects of client care shall be under the direction of the qualified dietitian or other person(s) who are supervised by the qualified dietitian.
- e) At least one qualified dietitian shall be employed on a full-time, part-time, or consultative basis.
- 1) The qualified dietitian shall be registered or eligible for registration by the Commission on Dietetic Registration or has have the documented equivalent in education, training, and/or experience.
  - 2) When a qualified dietitian is employed on a part-time or consultative basis, the dietitian shall devote time to:
    - A) direct the nutritional aspects of client care;
    - B) assure that dietetic instructions are carried out;
    - C) on occasion, supervise the serving of meals; and
    - D) assist in the evaluation of the food service.
  - 3) When a qualified dietitian is employed on a consultative basis, written reports shall be submitted at least once each calendar quarter on the services provided by the dietitian.
- f) Space, equipment, and supplies, as well as any necessary written procedures and precautions, shall be provided for the safe and sanitary operation of the food service and the safe and sanitary handling and distribution of food.
- 1) All walk-in refrigerators and freezers, whether or not they shall be used, shall be capable of being opened from the inside.
  - 2) Hot and cold water pipes, water heaters, refrigerators, compressors, condensing units, and uncontrolled heat-producing equipment shall be insulated.
  - 3) The role of the food service staff in the program's internal and external disaster plan shall be defined; (Compliance date - July 1, 1990).
  - 4) All food supplies shall be stored in an area separate from that in which non-food supplies are stored. "Area" shall be construed to mean shelf or other space and not necessarily a room.

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- 5) The health requirements for clients assigned to the food service for therapeutic or vocational purposes shall be the same as for food service employees, as set forth in 77 Ill. Adm. Code 750.
- 6) Plastic ware, china, glassware, or similar items that have lost their glaze or are chipped or cracked shall be discarded.
- 7) Dishwashing and utensil washing equipment and techniques that sanitize serviceware and prevent contamination shall be used.
- g) In residential facilities, unless medically contraindicated, between meal or bedtime snacks and beverages of nourishing quality, e.g. fruits and nuts, shall be available.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

## Section 2058.354 Referrals and Consultation

- a) The facility shall have written policies and procedures for referral of clients between the facility and other service providers in the community describing the conditions under which referrals can be made including:
  - 1) requirement for obtaining written consent from the client for transfer of appropriate portions of the case record based upon the judgment of the clinical staff, and for reporting back to the referring program regarding treatment activities if such information is requested in conformance with confidentiality requirements specified in Section 2058.318 of this Part;
  - 2) the methods by which continuity of care is assured for the client, including:
    - A) information on the reason for the referral;
    - B) information on the client's treatment (e.g., current treatment, diagnostic assessments, and special requirements);
    - C) services needed or requested;
    - D) request for continued coordination between the referring and the receiving resource; and
    - E) request for a follow-up report within a designated time period.
- 3) The written policies and procedures shall describe the mechanism by which a client may request a referral; (compliance date - July 1, 1990).
- b) The facility shall have letters of agreement or contracts with the community service providers it uses more than once each month.
- c) The facility shall have written policies and procedures for referral of clients between other services offered by the facility or the parent organization of the facility describing the conditions under which referrals can be made, including:



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- 1) requirement for obtaining written consent where needed to assure compliance with confidentiality provisions specified in Sections 2058.318 and 2058.319 of this Part;
- 2) methods for transfer of client information necessary for the referral or consultation;
- 3) requirements for a follow-up report within a designated time period; and
- 4) the mechanism by which a client may request a referral.
- 5) Compliance date for all standards under subsection 2058.354 (c) - July 1, 1989.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

Section 2058.366 Toxicology

a) General

Any facility licensed under this Part which performs blood or urinalysis testing shall obtain licensing in accordance with the standards established by the Illinois Department of Public Health under the Illinois Clinical Laboratory Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 621-101 et seq., as amended), and the Illinois Clinical Laboratories Code. Further, it must obtain prior written approval from the Department before such operation. The Department, pursuant to interagency agreement with the Department of Public Health, shall determine facilities within their jurisdiction which are "designated agencies" for the purposes of the Illinois Clinical Laboratories Code Clinical Laboratories and Blood Banks (77 Ill. Adm. Code 450).

b)

- 1) Each licensed facility which dispenses or administers methadone and which subcontracts through the Department for toxicology testing services shall develop procedures for the collection, monitoring, storage, processing, screening, and frequency of testing urine specimens for toxicological analysis as specified by the Department.
- 2) Screening of specimens under item subsection (b)(1) above shall include the following tests:

- A) opiates
- B) methadone
- C) amphetamines
- D) benzoyllecgonine
- E) barbiturates
- F) benzodiazepines
- G) phencyclidine (PCP)
- H) marijuana

- 3) The required frequency of specimen collection and testing for all other facilities using methadone as an adjunct to

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treatment shall be the same as those required by the U.S. Food and Drug Administration at 21 CFR 291 (1987).

c) Designated Program

- 1) The designated program which subcontracts through the Department for toxicology testing services shall develop procedures for the collection, monitoring, storage, processing, screening, and frequency of testing urine specimens for toxicological analysis as specified by the Department.
- 2) Screening of specimens under item subsection (c)(1) above shall include the following drugs:

- A) opiates
- B) methadone
- C) amphetamines
- D) benzoyllecgonine
- E) barbiturates
- F) benzodiazepines
- G) phencyclidine (PCP)
- H) marijuana

d) All Other Programs

All other licensed facilities which, through a Department subcontracting agreement, desire to provide toxicological testing of client urine specimens, even though testing is not required or mandatory, shall develop procedures for the collection, monitoring, storage, processing, screening, frequency of testing urine specimens, and listing of the type(s) of drugs screened as specified required by the Department.

e) Record-Keeping

Each licensee which provides toxicology testing under subcontract with the Department or as a designated agency, shall report statistics regarding such testing on forms or in a format as required by the Department, and within time frames as required by the Department.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

SUBPART D: INTERVENTION

Section 2058.400 Identification Function

- a) In accordance with Chapter 5 of the Unified Code of Corrections (Ill. Rev. Stat. 1987 1989, ch. 38, par. 1005-1-1 et seq.) and Section 6-206.1 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1987 1989, ch. 95 1/2, par. 6-206.1), the Department is empowered to license professional evaluation programs which identify the nature and extent of the use of alcohol or other drugs by anyone arrested for driving while under the influence (DUI) of alcohol or other drugs.



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- h) In accordance with Section 10-101 of the Act, the Department is empowered to authorize and license a designated program which to provide the service of identifying persons convicted of crimes and also having substance abuse problems as being eligible to elect treatment as an alternative to incarceration.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991.)

Section 2058.405 BH-Evaluation Regulation

The Department has promulgated Rules for the licensing and regulation of DUI evaluation, DUI remedial education, and BASSET programs under 77 Ill. Adm. Code 2056. Programs subject to such licensure shall comply with 77 Ill. Adm. Code 2056.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991.)

## Section 2058.410 Designated Program

- a) The Department shall designate a single organization to serve as the designated program pursuant to the requirements of Section 1-103 and Sections 10-101 through 10-103 of the Act.
- b) The authorized program representative of the designated program shall meet the requirements set forth in Section 2058.300.
- c) The advisory board(s) of the designated program shall meet the requirements set forth in Section 2058.303 and shall also include at least three (3) judges appointed by the chief judge of different circuit courts in geographically diverse areas of Illinois and a representative appointed by the Administrative Office of the Illinois Courts.
- d) The designated program shall provide the services and activities set forth in subsections (e) through (m) in a uniform manner in all districts or circuits of the Illinois Courts, and shall assure that these services and activities are uniform throughout the State whether provided directly or by subcontract or referral. Each facility of the designated program shall enter into an inter-agency agreement with the chief judge of each circuit court receiving services from the facility concerning the operating procedures of the court in relation to such services.
- e) The designated program shall establish and maintain a plan for professional services in accordance with the requirements set forth in Section 2058.306.
- f) The designated program shall establish and maintain a quality assurance system in accordance with the requirements set forth in Section 2058.309.
- g) The designated program shall maintain a system of client records which requires a record on each individual screened by the designated program, which includes:

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- 1) identifying information as required in subsection Section 2058.315(c)(4) of this Part;
- 2) results and findings of the screening service including data collected in determining the results, written notification of the results to the client, and documentation of notification of the results to the court;
- 3) all correspondence and information related to the screening process for the client such as the criminal history, health records, and self-reported information from the client. When it has been determined that the client has a previous sentence to probation, the designated program shall contact the probation department, under whose supervision the client had been placed. If a release of confidential information has been obtained, the designated program shall request a statement from the probation department summarizing the Probation records on the client, including known history of alcohol or drug usage; the name(s) of any treatment agency to which the client was previously referred; and record of compliance with court-ordered conditions;
- 4) any court orders or records of judicial proceedings related to screening activities; and
- 5) any informed consent documents required for screening.
- h) Client management services of the designated program shall include:
- 1) intake services required in Section 2058.39427;
- 2) written policies and procedures that state the objectives of the case management function including assisting the client in securing treatment, assisting the court in final dispositions, and assisting the treatment system in identifying special treatment needs;
- 3) written procedures defining recordkeeping requirements. The procedure shall provide for files containing documentation of each client's treatment experience, which must include:
- A) case management notes which document a client's compliance with toxicology requirements as required by subsection Section 2058.366(c), court appearances and reports, and reports from treatment providers;
- B) documentation that a treatment provider has accepted the criminal justice referral client;
- C) written notification from the designated program to the courts and to the supervising probation department acknowledging a client's acceptance into treatment;
- D) written reports from the treatment provider relating to the client's progress in treatment;
- E) warning letters which are written communication to clients regarding a failure to meet program obligations;
- F) jeopardy meeting reports which document official sanctions taken against clients who have received warning



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- letters concerning failure to meet program obligations. The jeopardy meeting is attended by the client and at a minimum, the case manager from the designated program. Notice of the date, time and location of the jeopardy meeting shall be sent to the supervising probation department 72 hours in advance to enable the probation officer to attend;
- G) case conference meeting reports which are documentation of meetings with the client to discuss such matters as verbal warnings, transfer, and discharge;
- H) reports of criminal justice referral treatment progress which are monthly reports generated from the designated program to the court and to the Supervising probation department which describe a client's treatment status or progress in treatment;
- I) reports of criminal justice referral client discharge which are notices issued to the courts by the designated program which describe a client's successful or unsuccessful treatment and discharge. Verbal notice and status information on the client at the time of discharge shall be given to the supervising probation department within 24 hours of the time of discharge, excluding Saturday, Sunday and court holidays. Written reports of successful discharge will contain the following: client's intended residency if known; summary of treatment progress; and recommendations for further treatment. These reports shall be sent to the supervising probation department and court within ten (10) days of discharge. Reports of unsuccessful discharge will be sent within three (3) days and shall contain the following: client's intended residency, if known; instructions given for continued contact with the designated program and supervising probation department; and specific reasons for the unsuccessful discharge;
- J) consent to release information forms;
- K) court orders which include documentation remanding a client for assessment and other documents relating to the terms of probation;
- L) written request/response for parole or probation consent which is the statutorily mandated consent of the Parole or Probation Department as set forth in Section 10-101(e) of the Act to divert a client to the designated program, if the client is on parole or probation;
- M) general correspondence from criminal justice system personnel;
- N) documentation to the courts regarding the designated program's findings in the initial assessment of a client. These findings shall be provided to the probation

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department when a pre-sentence investigation is being conducted on the client, unless otherwise ordered by the Court;

- O) court and other transactions which are a systematic documentation of all client or court activities;
- P) the evaluation document which contains information collected by the designated program to determine the client's degree of substance abuse and the client's readiness for treatment;
- Q) client summary and referral information which is forwarded to treatment providers;
- R) criminal justice referral client agreements which are documents signed by the client to consent voluntarily to treatment. These documents are updated if the consent expires while the client is in treatment;
- S) prior treatment information, including client records; and
- T) psychological evaluation reports.
- 4) The designated program shall secure and maintain mutual service agreements with all treatment facilities used for referral in order to accomplish accurate and thorough documentation of client treatment progress or lack of progress. There shall be a written procedure defining client responsibilities and criteria for measuring treatment progress.
- 5) There shall be a written procedure defining methods for periodic client evaluation and intervention should a client fail to comply with treatment requirements specified in the client's treatment plan.
- 6) There shall be a written procedure defining methods for uniform application of standardized case management services and policies in all judicial circuits and counties in Illinois.
- 7) There shall be an information system guaranteeing standardized collection, maintenance, and analysis of individual and aggregate client data. This information is used for operating a quality assurance system and for developing a plan for professional services.
- 8) 1) Client Discharge
- 1) The designated program will maintain procedures defining the uniform application of a standardized system for client discharge in all judicial circuits and counties in Illinois, including communications with probation departments regarding discharge plans.
- 2) The designated program will review treatment progress reports or other written communication with the client's counselor to determine if the client's attendance record, urinalysis or breathalyzer results, or behavior have violated the designated



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program's criteria and that a change in the client's status with the treatment facility is justified.

- 3) The designated program shall have a written policy specifying the situations that may lead to a change in client status and the procedure to be followed when such a situation is reported.

## j) Reporting Functions

- 1) There shall be a written procedure for preparing and presenting written reports to the court and other appropriate criminal justice system officials regarding findings of assessment.
- 2) There shall be a written procedure for preparing and presenting written reports informing the court, the supervising probation department, and other criminal justice system officials as required by the court, of the client's initial or any subsequent placement in treatment. These reports will minimally include: the treatment facility or agency name, address and telephone number; the name of the counselor assigned to the case; the name, address and telephone number of the designated program personnel responsible for the case, and the date of placement in treatment.
- 3) There shall be a written procedure for preparing and presenting to the court and to the supervising probation department monthly evaluations of a client's treatment progress.
- 4) There shall be a written procedure for preparing and presenting to the court, the supervising probation department and other criminal justice system officials designated by the court, a written report of the objective facts of the client's treatment rehabilitation at client discharge. These procedures shall be reflective of subsection 2058-410 (h)(3)(1).
- 5) There shall be a written procedure defining methods guaranteeing uniform application of standardized reporting services in all judicial circuits and counties in Illinois. Copies of these policies and procedures shall be made available to all courts and probation departments throughout the State.

## k) Court Services

- 1) There shall be a written policy that clearly states the objectives of services provided to the court.
- 2) There shall be a written procedure for documenting all court appearances, including status and violation hearings, which must include a process for recording the decisions of the court and the required subsequent actions. The procedure must describe the activities to be performed before, during, and after the hearing, and designate the person or persons responsible for their execution.
- 3) There shall be a written policy concerning judicial requests to reassess discharged clients.
- 1) The designated program shall comply with the requirements for assuring the confidentiality of client information as set forth in

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42 CFR 2 (1987) and as required in Sections 2058.318 and 2058.319 of this Part.

- m) If the designated program conducts or participates in research projects involving human subjects, the designated program shall comply with the requirements set forth by the U.S. Department of Health and Human Services in 45 CFR 46 (1987).
- n) Toxicology services performed by the designated program shall comply with the requirements set forth in Sections 2058.366 (Toxicology), and 2058.342 (Infection Control), and 2058.343 (HIV Infection and AIDS Related Training) of this Part.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

## SUBPART F: PHYSICAL PLANT REQUIREMENTS

## Section 2058.600 General - All Facilities

## a) Life Safety

- 1) The National Fire Protection Association's (NFPA) Life Safety Code referred to throughout Subpart F refers to the Life Safety Code of 1981 for existing facilities as defined in Section 2058.105 and to the Life Safety Code of 1985 for new facilities as defined in Section 2058.105 and for the fire protection systems of existing facilities which modify or replace more than 50% of its fire detection, alarm or communication system.
- 2) Existing facilities which are licensed under this Part shall be in compliance with the National Fire Protection Association's (NFPA's) Life Safety Code of 1981 in accordance with the specific standards referenced under Section 2058.600 through Section 2058.625. Existing facilities which modify or replace more than 50% of its detection system, alarm system or communication system shall update all three systems to the NFPA's Life Safety Code of 1985.
- 3) New facilities which are licensed under this Part shall be in compliance with the Life Safety Code of 1985 of the NFPA in accordance with the specific standards referenced under Sections 2058.600 through Section 2058.625.
- 4) Each building of the facility shall be surveyed to determine compliance with occupancy standards of the Life Safety Code. When the requirements of the standards or their equivalents are not met, a plan and timetable of conformance shall be instituted. In addition, the facility shall document and execute sustained, extraordinary, interim, life safety measures, such as intensified housekeeping and maintenance practices, the provision of additional fire-fighting equipment, and fire drills on all work shifts in excess of the requirements stated in this Subpart.
- 5)



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- 6) A documented program of preventive maintenance and semi-annual inspection of all fire alarm systems shall be performed by private alarm contractors licensed under the Private Detective, Private Alarm, and Private Security Act of 1983 (Ill. Rev. Stat. 1989, ch. 111, par. 2651 et seq.).
- 7) A documented program of annual inspection or testing of automatic fire-extinguishing systems shall be performed by private alarm contractors licensed under the Private Detective, Private Alarm, and Private Security Act of 1983.
- 8) Any rooms occupied by 50 persons or more shall conform to the NFPA's Life Safety Code 1985, (Assembly Occupancies).
- 9) New construction shall provide access to handicapped individuals and shall be in compliance with the Illinois Accessibility Code of the Capital Development Board (71 Ill. Adm. Code 400).
- b) Safety Devices and Practices
  - 1) The facility shall have a written emergency preparedness plan designed to provide for the utilization of available resources so that services can be continued during a disaster and which identifies the role of the facility in a community-wide disaster.
  - 2) An external emergency release mechanism shall be available for opening bathroom and toilet room doors that are lockable from the inside.
  - 3) The facility shall have fire alarm systems which shall automatically transmit the alarm to any available municipal fire department by direct private line or through any approved central station when activated by any of the following: manual stations, detection systems, or flow alarms in the sprinkler system. Outpatient treatment facilities which can show impossibility in complying with this subsection may request an exception provided that automatic dialer systems are installed instead.
  - 4) There shall be a telephone in the facility available in the case of an emergency. The telephone numbers of the fire department, the police department, and an emergency ambulance service shall be posted near the telephone.
  - 5) Facilities that do not have emergency medical care shall have first-aid kits available on the premises and all supervisory staff shall be familiar with the locations, contents, and use of the first-aid kits.
  - 6) With the exception of subsections (3),(4), and (5), compliance date for all standards under subsection 2058-600 (b) - July 1, 1989.
- c) Hazardous Materials and Wastes
  - 1) Space and facilities shall be provided for the storage and disposal of waste.
  - 2) Compliance date for all standards under subsection 2058-600(c) - July 1, 1989.

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

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- d) Electrical Distribution
 

The facility shall have an electrical distribution system that is designed, installed, and maintained in a manner that provides electrical power for all required operations.
- e) Lighting
  - 1) All spaces occupied by people or machinery within a building, parking lots, and building approaches shall have lighting suitable to provide functional comfort and safety to clients, employees, and visitors.
  - 2) Emergency lighting which is effective for two or more hours shall illuminate means of egress, examination rooms, and assembly areas.
  - 3) Compliance date for all standards under subsection 2058-600(e) - July 1, 1990.
- f) Plumbing
  - 1) Domestic hot water shall be maintained at a temperature of 105 - 130 degrees Fahrenheit at tap with the exception of clearly posted dishwashing sources.
  - 2) Drainage piping shall not be installed within the ceiling or in exposed locations in food preparation areas, food service areas, and food storage areas. Existing drainage pipes in these areas shall be protected by gutters.
- g) Heating Ventilating and Air-Conditioning (HVAC)
  - 1) Outside air shall be provided to each habitable room by a ventilation system or by operable windows.
  - 2) Insect screens shall be provided for windows, vents, and exterior doors which may be left in an open position for ventilation.
  - 3) Open faced, gas-fired heating devices, and space heaters are prohibited.
  - 4) All inside rooms, including toilets, bathrooms, and other rooms in which excessive moisture, odors or contaminants originate, shall be provided with mechanical exhaust ventilation.
  - 5) With the exception of subsection (4) above, compliance date for all standards under subsection 2058-600(g) - July 1, 1990.
- h) General Services
  - 1) A janitors' closets shall be provided on at each level facility, with a floor receptor or service sink and storage space for housekeeping equipment and supplies. A small facility may request an exception to this subsection (h)(1). An exception may be granted if the Director finds, based upon evidence presented, that the facility has sufficient provisions for janitorial requirements otherwise. Such a determination shall be based on but not be limited to a consideration of client population and size, type of service, floor space in the facility and any other pertinent factors.



## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

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- 2) Equipment rooms for boilers, mechanical equipment and electrical equipment, and storage rooms for building maintenance supplies shall be provided.
- 3) Compliance date for all standards under subsection 2058-600(h) - July 1, 1990.
  - i) Therapeutic Environment
    - 1) Rest rooms shall be available for clients and visitors and have paper towel dispensers and metal waste receptacles, roll towels or electric hand dryers.
    - 2) Water fountains/coolers shall be provided.
    - 3) All furnishings, equipment, and appliances shall be clean and maintained in good operating order.
    - 4) Recreational facilities and equipment shall be consistent with clients' needs and the therapeutic program.
    - 5) Areas for confidential counseling, administration, and public reception shall be provided.
    - 6) A facility which dispenses or retains medication shall have a room which contains a sink, work counter, storage area for supplies, and equipment. This room shall have a minimum area of 80 square feet with at least one dimension of 10'-0". An existing facility may request an exception from the size requirement of this subsection (3)(6). An exception may be granted if the Director finds, based on evidence presented, that the facility has a medication room of a size adequate to deal with the client load storage and dispensing needs. Such a determination shall be based on, but not be limited to, a consideration of client population and size, type of service, type of medication, floor space in the facility, and any other pertinent factors.
    - 7) With the exception of subsection (2), compliance date for all standards under subsection 2058-600(i) - July 1, 1990.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

## SUBPART G: REPORTS

## Section 2058.705 Reports to Other Agencies

Licenses will submit reports of incidents-involving-alleged-or-actual patient criminal activity at the program on-the-premises or against any person working for the program, or a threat to commit such crime, or employee criminal activity or threat thereof at the program to local law enforcement agencies immediately upon discovery. An accused-perpetrator may-not-be identified-as-a-client: and shall copy the Department on such reports. Such reporting shall be in compliance with 42 CFR 2 (1989).

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART H: COMPLAINTS/INSPECTIONS/INVESTIGATIONS

## Section 2058.805 Inspections

The Department shall conduct inspections of facilities to enforce compliance with the rules under this Part. Department inspections may be conducted on a random basis to survey facility compliance with this Part or in response to complaints, if the complaint sets forth charges that constitute grounds for sanction pursuant to the Act. Upon presentation of Department credentials, and consent of the person in charge of the premises, inspector(s) of the Department shall be permitted access to inspect all areas and records of the program. If consent is not given, then the Department shall seek access pursuant to Section 3-101 of the Act.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991)

## SUBPART I: HEARINGS/SANCTIONS

## Section 2058.900 Hearings

## a) Applicability

- 1) This Subpart shall apply to all hearings conducted by the Department pursuant to Section 3-105 of the Act.
- 2) In case of a conflict between the provisions of this Subpart and the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987 1989, ch. 127, pars. 1001 et seq.), the provisions of the Illinois Administrative Procedure Act shall apply.

## b) Parties

The parties to a hearing are:

- 1) the Department; and,
- 2) the applicant or license holder who is afforded an opportunity for hearing and who requests a hearing in accordance with this Section of the Act.

## c) Representation

- 1) A Party may be represented by an attorney at law who is licensed to practice law in the State of Illinois and who has filed an appearance with the Department.

- 2) Each party to a proceeding shall inform the Department of the address to which notices or other documents should be directed, if different from the address per Department records.

## d) Form of Papers

- 1) All papers filed in any proceeding shall be typewritten or printed on paper which does not exceed 8 1/2 by 11 inches, with margins not less than one (1) inch wide. Typing or printing shall be on one side of the paper only.
- 2) Pleadings shall contain the address of the party filing the pleading or the address of his attorney.



## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

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- 3) All pleadings or other papers filed with the Department shall be filed in triplicate.
- e) Pleadings
  - 1) The "Notice of an Opportunity for Hearing" shall contain:
    - A) a statement of the nature of the hearing;
    - B) a statement of the legal authority and jurisdiction under which the hearing is to be held;
    - C) a reference to particular sections of the statutes and rules involved;
    - D) a short and plain statement of the matters asserted; and
    - E) a statement of the time and place that the hearing will be held if a timely request is made.
  - 2) Unless a "Request for Hearing" is filed within thirty (30) days of the date of the "Notice of an Opportunity for Hearing," the hearing rights afforded under the Act shall be deemed waived.
  - 3) A "Request for Hearing" shall be filed with the Director, either by personal service or by certified or registered mail. Upon receipt by the Director of a timely and properly filed request for hearing, the hearing will be scheduled to commence within thirty (30) days. "Notice of Hearing," which contains the information required by Section 10 of the Illinois Administrative Procedure Act (Ill.-Rev.-Stat.-1983, ch.-127, par.-1049), will be sent to the parties at least ten (10) days prior to the scheduled hearing date.
  - 5) Pleadings may be amended at any time prior to hearing, and may be amended at any time thereafter unless the hearing officer determines that amendment of the pleadings would cause delay in disposing of the issues of the case.
- f) Motions
  - 1) Motions, unless made during a hearing, shall be in writing, shall set forth the relief or order sought, and shall be served on all parties.
  - 2) Responses to written motions shall be in writing, unless made during a hearing.
  - 3) Motions and responses to motions shall be filed with the hearing officer.
  - 4) Motions or responses to motions which allege facts not in the record must be accompanied by supporting affidavit.
  - 5) Whenever a motion or a response to motion requests that relief be granted, specific authority must be cited under which the hearing officer is empowered to grant such relief.
  - 6) Oral argument on motions shall be allowed only if the hearing officer deems it necessary to a fuller understanding of the issues presented.
- g) Discovery
  - 1) The Director or the hearing officer shall, upon request, cause depositions of material witnesses within the State to be taken

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

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- in the manner prescribed by Supreme Court Rules 201-212 (Ill. Rev. Stat. 1987 1989, ch. 110A, pars. 201-212), and to that end compel the attendance of witnesses and the production of books, papers, or memoranda.
- 2) All evidence which forms the basis of the Department's proposed action which would be adverse to any party other than the agency will be made a part of the record, and disclosed to the parties prior to the hearing.
- h) Service
 

All required notices shall be served either by personal service or by certified or registered mail. The official address for service on the Department is 100 W. Randolph, Suite 5-600, Chicago, Illinois 60601.
- i) Prehearing Conference
  - 1) Prior to commencement of the hearing, the hearing officer shall conduct a prehearing conference. The purpose of the conference is:
    - A) identification of contested issues;
    - B) the exchange of evidence to be presented in written form;
    - C) identification of issues which may be resolved by stipulation; and
    - D) consideration of any other matter which may aid in the efficient disposition of the case.
  - 2) Either party may elect to have a court reporter present during the prehearing conference. If no reporter is present, a written memorandum summarizing the discussions shall be prepared by the hearing officer and made a part of the official record of the case.
- j) Conduct of Hearing
  - 1) A full and complete record shall be kept by the Department. It shall include:
    - A) all pleadings, notices, responses, motions, and rulings;
    - B) evidence received;
    - C) a statement of any matters officially noticed;
    - D) offers of proof, objections, and rulings thereon;
    - E) proposed findings and exceptions;
    - F) hearing officer report;
    - G) all staff memoranda or data submitted to the hearing officer in connection with the case; and
    - H) any communication prohibited as an ex parte consultation, as defined by Section 15 of the Illinois Administrative Procedure Act (Ill.-Rev.-Stat.-1987, ch.-127, par.-1045), but such communications shall not form the basis for any findings of fact.
  - 2) All testimony shall be reported but need not be transcribed at the Department's expense unless the decision is appealed in accordance with the Administrative Review Law. (Ill. Rev. Stat. 1987 1989, ch. 110, par. 3-101 et seq.)



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- 3) Both the burden of going forward with evidence and the burden of proof rest with the party requesting a hearing. The burden of proof is to show by a preponderance of evidence that:
  - A) the Department's decision is contrary to the evidence on the record when taken as a whole;
  - B) the decision is arbitrary or capricious; or
  - C) the decision is contrary to law.
- 4) All parties to the hearing shall be permitted to present testimony, offer evidence, cross-examine witnesses, and present argument.
- 5) The hearing officer shall be authorized to conduct the hearing, administer oaths, issue subpoenas to compel testimony or production of documents, hold conferences for clarification of contested issues or for settlement, rule on motions, grant continuances as may be necessary, call or examine witnesses, and take such other actions as may be necessary to fairly and expeditiously provide the parties with an opportunity to be heard.
- 6) The hearing officer is not authorized to dispose of a case, however disposition may be made of any contested issue by stipulation.
- 7) Continuances and extensions of time shall be granted by the Director or hearing officer for good cause shown. Good cause is a bonafide reason on the part of the Department or any party to the hearing which would prevent the hearing from being held or completed as scheduled (e.g. illness of a party or an immediate family member, unavailability of counsel).
- 8) In contested cases, the rules of evidence and rules for taking official notice will be as contained in Section 12 of the Illinois Administrative Procedure Act(111:--Rev--Stat--1987; ch-127-par--1012).

- k) Hearing Officer Report  
Within 30 days following the conclusion of a hearing, the hearing officer shall deliver a report of hearing to the Director. All exhibits, pleadings, documents, or other material made a part of the record will accompany the report. The report will summarize the testimony presented at the hearing.
- l) Proposal for Decision
  - 1) When the Director has not read the record, the decision, if adverse to a party to a proceeding other than the agency, shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and to present a brief.
  - 2) The proposal for decision is prepared by one who has read the record and must be approved by the Director for dissemination to the parties.

NOTICE OF ADOPTED AMENDMENTS

- 3) The proposal for decision shall contain a statement of the reasons for the proposal and of each issue of fact or law necessary to the proposed decision.
- 4) Exceptions and briefs must be filed within 30 days of the date of the proposal for decision.
- 5) Oral argument on issues presented in the exceptions and brief is not permitted.
- m) Final Decision
  - 1) A final decision in a contested or uncontested case shall be in writing and shall include findings of fact and conclusions of law separately stated.
  - 2) Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.
  - 3) Parties or their agents appointed to receive service of process shall be notified either personally or by registered or certified mail of any decision.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991.)

SUBPART I: HEARINGS/SANCTIONS

Section 2058.905 Sanctions

- a) General  
Except in cases in which the Department determines that emergency action is necessary to protect the public interest, safety, or welfare, prior to initiating a formal action to sanction a license, the Department will allow a license holder an opportunity to take corrective action to eliminate or ameliorate a violation of the Act or this Part:
  - 1) The Department shall issue written notice to a license holder whom it determines not to be in compliance pursuant to Section 3-104 of the Act.
  - 2) The Department's notice shall specify the particular activities of the license holder deemed to violate the Act and this Part.
  - 3) The Department's notice shall require such corrective action as it deems necessary for the license holder to achieve compliance and shall establish a time period within which the corrective action is to be completed.
  - 4) In determining whether to initiate formal action against a license holder the Department shall consider:
    - A) whether the license holder made an effort to comply with the Department's notice of corrective action;
    - B) whether the license holder achieved compliance with the Act and this Part within the designated time frame; and



## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

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- C) the potential for harm to a client as a result of the failure to comply.
- 5) Nothing contained herein shall preclude the Department from initiating formal action against a license holder who has complied with the Department's notice of corrective action; in such a case, the factors enumerated above shall be considered by the Director in determining whether and to what extent sanctions should be imposed.
- b) **Summary Suspension**  
Summary Suspension of a license shall be ordered if the Director finds that the public interest, safety, or welfare imperatively requires emergency action.
- 1) A petition for summary suspension shall:
    - A) state the statutory basis for the action petitioned;
    - B) allege facts, supported by evidence or affidavit, sufficient to demonstrate a need for emergency action;
    - C) be signed by the chief counsel; and
    - D) be presented to the Director either in person or by telephone and in the presence of a court reporter.
  - 2) An order for summary suspension shall:
    - A) contain findings of fact sufficient to support imposition of a summary suspension;
    - B) recite the statutory basis for the action;
    - C) appoint a hearing officer;
    - D) demand immediate surrender of the license; and
    - E) be signed by the Director.
  - 3) A notice of summary suspension shall accompany the order and shall:
    - A) set a hearing date for commencement of a hearing within fourteen (14) days of the date on which the order takes effect. If the parties agree to a prehearing conference, such conference shall constitute the commencement of the hearing. The hearing shall determine whether the summary suspension shall remain in effect until conclusion of a formal hearing on the merits;
    - B) name the hearing officer who shall conduct the hearing; and
    - C) include a copy of the Department's rules pertaining to hearings.
- c) **Revocation**  
The Department shall, in accordance with subsection (a)(5), revoke, by formal action, a program's license denying the program the right to operate and render treatment services. The termination shall be in effect until such time as the license is reinstated or an application for a new license has been made and approved by the Department.
- d) **Suspension**

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- The Department shall, in accordance with subsection (a)(5), temporarily withdraw by formal action a facility's/person's license to operate an alcoholism or substance abuse treatment program, an intervention program, or a controlled substances research project for a period of time specified by the Department during which corrective action by the program is taken to rectify problem areas that led to the suspension. When the corrective action has been taken, the Department will determine if such action meets Department standards and either reinstate or revoke the license.
- e) **Probation**  
A program shall, in accordance with subsection (a)(5), be placed on probation by the Department for not meeting or minimally violating the Department's licensure standards and may continue to operate for a specified period. During the probationary period the program shall take such action as necessary to meet the Department's licensure standards. When the probationary period has expired, the Department shall determine whether or not the program meets licensure standards, and shall terminate the probationary status. If the Department determines that the program still does not meet licensure standards, the Department may suspend the program's license or extend the probationary period, if such extension would likely result in correction.
- f) **Restricted License**  
The Department shall, in accordance with subsection (a)(5), issue a facility a license which limits the operation to specified service categories, after Departmental findings that one or more service categories had not met licensure standards.
- g) **Fines/Penalties**
- 1) ~~Any person establishing, conducting, managing, or operating an institution without the license required under this Part shall be initially fined \$500.00 and for each day of continued violation shall be fined \$500.00.~~
  - 2) ~~Any person who knowingly or negligently fails to keep the client records, personnel records, or methadone accounting records required by the Department may be fined \$100.00 for each class of record violation.~~
- 1) In accordance with Section 2059.900, the Department may impose a financial penalty when it is determined appropriate upon a finding of violation of any one or combination of the provisions of Section 3-104 of the Act.
- 2) A financial penalty may not be paid out of public funds.
- 3) In determining an appropriate financial penalty the Department may consider:
- A) the deterrent effect of the penalty to the licensee or applicant and the field;
  - B) the nature of the violation;
  - C) the degree to which the violation resulted in a benefit to licensee/applicant and/or harm to the public.



## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

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D) any other relevant factor to be examined in mitigation or aggravation of the licensee/applicant's conduct.

4) The financial penalty may be imposed in conjunction with other sanctions or separately, and shall not exceed \$5,000 per violation.

h) Reinstatement of License

The Department shall, in accordance with subsection (a)(5), reinstate a program's license, after suspension or revocation, providing the program meets all licensure standards, thus enabling a program to operate and render treatment services specified in the license without restriction.

i) Denial of License Application

The Department shall, in accordance with subsection (a)(5) deny a license application for failure to comply with the Act and Departmental rules. Denial of a license shall not preclude a program from reapplying when the necessary requirements have been met.

j) Cease and Desist Order

1) Whenever the Department determines that a licensed facility is in violation of the Act, the Director shall issue an order to that person to cease and desist from engaging in the activity. The order shall specify the particular activities which violate the Act and shall include citation of relevant Sections of the Act and this Part.

2) The Director's order shall be accompanied by a notice which instructs the recipient that written documentation may be submitted to the Department within ten (10) days to support a claim that the activities are not in violation of the Act, or that the licensee is correcting the activities in violation of the Act with a reasonable time frame for completing such corrections.

3) After the ten (10) days has expired, if the Director believes that the licensed facility person is continuing to engage in activities in violation of the Act, he/she shall refer the matter to the appropriate State's Attorney or to the Office of the Attorney General for prosecution. Minor violations, such as incidences that do not include injury to a client or the potential of such injury, which are being corrected under subsection (b), will not be reported.

(Source: Amended at 15 Ill. Reg. 2597, effective February 4, 1991.)

## ILLINOIS ASBESTOS ABATEMENT AUTHORITY

## NOTICE OF ADOPTED RULES

1) The Heading of the Part: Organization, Rulemaking and Public Information

2) Code Citation: 2 Ill. Adm. Code 2650

Section Numbers:	Adopted Action:	Section Numbers:	Adopted Action:
2650.10	New Section	2650.300	New Section
2650.20	New Section	2650.310	New Section
2650.30	New Section	2650.311	New Section
2650.40	New Section	2650.312	New Section
2650.50	New Section	2650.313	New Section
2650.60	New Section	2650.314	New Section
2650.100	New Section	2650.320	New Section
2650.200	New Section	2650.330	New Section
2650.205	New Section	2650.340	New Section
2650.210	New Section	2650.400	New Section
2650.220	New Section	2650.410	New Section
		2650.ILL. A	New Section
		2650.ILL. B	New Section

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 116, par. 201 et seq. and ch. 127, par. 1004.01

5) Effective Date of Rules: February 5, 1991

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporation by reference? No

8) Date filed in Agency's Principal Office: February 5, 1991

9) Notice of Proposal Published in Illinois Register: No

10) Has JCAR issued a Statement of Objection to this rule? None issued.

11) Difference between proposal and final version: No proposal published.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No letters issued by JCAR.



## ILLINOIS ASBESTOS ABATEMENT AUTHORITY

## NOTICE OF ADOPTED RULES

- 13) Will this rule amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The Illinois Asbestos Abatement Authority was created by P.A. 85-585, approved September 18, 1987, and effective October 1, 1987. This rulemaking fulfills the Authority's obligation under Section 4.01 of the Illinois Administrative Procedure Act to promulgate as rules a current description of the Authority's organization, rulemaking procedures, and procedures for obtaining information and making submissions.
- 16) Information and questions regarding this adopted rule shall be directed to:

Lance T. Jones  
Executive Director  
Illinois Asbestos Abatement Authority  
500 South Second Street  
Springfield, IL 62706  
(217) 785-8541

The full text of the Adopted Rules begins on the next page.

## ILLINOIS ASBESTOS ABATEMENT AUTHORITY

## NOTICE OF ADOPTED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE E: MISCELLANEOUS STATE AGENCIES  
CHAPTER XLVII: ILLINOIS ASBESTOS ABATEMENT AUTHORITY

PART 2650  
ORGANIZATION, RULEMAKING AND PUBLIC INFORMATION

## SUBPART A: ORGANIZATION

Section	Composition
2650.10	Chairman
2650.20	Board of Directors
2650.30	Executive Director
2650.40	Staff
2650.50	Office
2650.60	

## SUBPART B: RULEMAKING

Section	Rulemaking Procedure
2650.100	

## SUBPART C: PUBLIC INFORMATION

Section	Purpose
2650.200	Submissions
2650.205	Freedom of Information Officer
2650.210	Requests for Public Records
2650.220	Responses to Requests for Public Records
2650.300	Compliance with Requests
2650.310	Inspection of Public Records
2650.311	Copies of Public Records
2650.312	Certification of Public Records
2650.313	Computer Stored Records
2650.314	Denial of Requests
2650.320	Compliance with Part and Denial of Part of a Request
2650.330	Notice of Additional Time for Compliance
2650.340	Procedures for Appeal
2650.400	Response to Appeal
2650.410	

2650. ILLUSTRATION A Organizational Chart  
2650. ILLUSTRATION B Rulemaking Flowchart



## ILLINOIS ASBESTOS ABATEMENT AUTHORITY

## NOTICE OF ADOPTED RULES

**AUTHORITY:** Implementing and authorized by Section 4.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1004.1) and the Freedom of Information Act (Ill. Rev. Stat. 1989, ch. 116, par. 201 et seq.).

**SOURCE:** Adopted at Ill. Reg. 2660, effective February 5, 1991.

## SUBPART A: ORGANIZATION

## Section 2650.10 Composition

The Illinois Asbestos Abatement Authority (hereinafter referred to as "the Authority") was created by Section 2 of "AN ACT in relation to asbestos", (Ill. Rev. Stat. 1989, ch. 127, par. 3502). The Authority consists of a Board of Directors, comprised of the Attorney General, the State Comptroller, the Director of the Department of Public Health, the Director of the Environmental Protection Agency and the Executive Director of the Capital Development Board, or their designees, and of a Technical Advisory Council comprised of not more than ten non-voting members appointed by the Chairman with the advice and consent of the Board of Directors (hereinafter referred to as "the Board").

## Section 2650.20 Chairman

The Attorney General, or his designee, shall serve as Chairman of the Authority. (Par. 3502 of the Act). The executive power of the Authority shall be vested in the Chairman.

## Section 2650.30 Board of Directors

The Board of Directors shall meet at least annually on the third Tuesday of September at 10:00 a.m. at the office of the Authority. All meetings shall be at the call of the Chairman upon his own volition or upon the petition to the Chairman by at least three members of the Board. Three members shall constitute a quorum, and decisions shall be made by a vote of the majority of those voting. It shall take a vote of three to authorize the expenditure of funds or to disapprove or reverse a decision made or an action taken by the Chairman in the exercise of his executive authority. Any motion made by any member of the Board, including the Chairman, and properly seconded shall be voted upon by the Board.

## ILLINOIS ASBESTOS ABATEMENT AUTHORITY

## NOTICE OF ADOPTED RULES

## Section 2650.40 Executive Director

The Chairman with the consent of the Board of Directors, shall appoint an Executive Director. The Executive Director shall serve at the pleasure of the Board of Directors. The Executive Director shall be charged with the day-to-day liaison responsibilities necessary to coordinate survey and abatement activity of the Capital Development Board, the Department of Public Health, and the Environmental Protection Agency, with the litigation activities of the Asbestos Litigation Division.

## Section 2650.50 Staff

- a) The Authority shall develop and implement a program for the identification and abatement of asbestos in all State governmental buildings. (Par. 3503 of the Act).
- b) The Authority relies on the staffs of the agencies represented by the members of the Board of Directors for technical assistance in the development of the identification and abatement program. In so doing, the Authority may allocate monies within the Asbestos Abatement Fund to those agencies to compensate for the use of staff and other assistance.

## Section 2650.60 Office

The office of the Authority is located at 500 South 2nd Street, Springfield, Illinois 62706.

## SUBPART B: RULEMAKING

## Section 2650.100 Rulemaking Procedure

- a) Any interested person may petition the Authority for the adoption, amendment or repeal of a rule in the form of a letter or document addressed to the Chairman at the Authority's address clearly indicating that it is a petition for rulemaking. The petition shall include:
  - 1) the petitioner's name, title (if any), organization (if any), address, and telephone number;
  - 2) the text of the proposed rule or amendment or a citation to the rule which is to be repealed;
  - 3) a brief statement of the reasons for the proposed change.



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## SUBPART C: PUBLIC INFORMATION AND SUBMISSIONS

- b) Whether it originates from interested persons outside the Authority or from a Board member, a rulemaking proposal shall be submitted to the Chairman and be reviewed by the Executive Director, and the Asbestos Litigation Division of the Office of the Attorney General, prior to submission for final approval by the Board. The Board must approve the content of the proposal and the use of the appropriate rulemaking procedure under the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1989, ch. 127, par. 1001 et seq., as amended) for the proposal to be promulgated as a rulemaking of the Authority.

- c) Pursuant to Section 8 of the IAPA, (Par. 1008 of the Act), failure to initiate rulemaking within 30 days of receipt of the petition constitutes denial of the petition. Whenever, after review by the Executive Director and the Asbestos Litigation Division, it appears to the Chairman that the petitioner's request should be granted and rulemaking initiated, but there is no meeting of the Board scheduled at which approval can be granted in timely fashion, the Chairman may direct that rulemaking be proposed in accordance with Section 5.01 of the IAPA. Second notice may not be filed with respect to such a rulemaking until Board approval is obtained. The Executive Director shall inform the petitioner of the disposition of the petition.

- d) No policy changes may be made in a proposed rule during the course of the rulemaking procedure without the approval of the Board.

- e) The Chairman may direct that any rulemaking meeting the requirements for the use of peremptory rulemaking be initiated in accordance with the procedures of Section 5.03 of the IAPA (Par. 1005.03 of the Act) without the approval of the Board.

## Section 2650.200 Purpose

This subpart implements the Freedom of Information Act (FOIA) (Ill. Rev. Stat. 1989, ch. 116, par. 201 et seq., as amended) and Section 4.01 of the IAPA (Par. 1004.01 of the Act) by detailing the procedure by which the public may request and obtain public records and by specifying the manner for making submissions.

## Section 2650.205 Submissions

Where no other procedure is otherwise provided by rule of the Authority, the public may make submissions or requests on subjects, programs and activities of the Authority by writing to the Chairman at the address specified in Section 2650.60.

## Section 2650.210 Freedom of Information Officer

The Executive Director, or his or her designee, shall serve as the Freedom of Information Officer (Information Officer) for the Authority.

## Section 2650.220 Requests for Public Records

- a) Requests for public records shall be made of the Information Officer either orally or in writing.
- b) When an oral request is made the Information Officer shall provide the requester a request form upon which oral requests shall be reduced to writing. Once reduced to writing, and not before, oral requests shall be treated as written requests for all purposes.
- c) All requests must include the following:
  - 1) the requester's full name, address and telephone number;
  - 2) a brief description, as specific as possible, of the public records sought; and
  - 3) an indication whether the request is for inspection of public records, copies of public records, or both.



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## Section 2650.300 Responses to Requests for Public Records

The Information Officer shall respond to all written requests for public records within seven working days after the receipt of such requests. Failure to respond to requests within seven working days may be considered a denial of the request by the requester. Such response shall be in the form of:

- a) compliance with the request as set forth in Section 2650.310; or
- b) denial of the request as set forth in Section 2650.320; or
- c) compliance with part, and denial of part of a request as set forth in Section 2650.330; or
- d) notice to the requester that an additional seven working days are needed to respond to the request, as set forth in Section 2650.340.

## Section 2650.310 Compliance with Requests

The Information Officer shall comply with requests for public records by giving notice to the requester that the request has been approved. Such notice shall set forth all fees to be charged in accordance with a schedule established by the Authority for providing copies of public records. Upon giving such notice, the Information Officer shall either:

- a) give notice of the time and place where the requested records may be inspected; or
- b) if copies of public records are requested, provide those copies immediately; or
- c) if copies of public records are requested, give notice that those copies shall be made available immediately upon payment of applicable fees.

## Section 2650.311 Inspection of Public Records

All public records in the custody of the Authority, which are subject to inspection pursuant to the Freedom of Information Act, will be made available for inspection during normal office hours at the office where those records are maintained. Inspection of public records shall be made under the supervision of the Information Officer.

## Section 2650.312 Copies of Public Records

Upon inspection, the requester may segregate those records which he or she wishes to have copied. Whenever copies of public records are requested, those copies shall be made by the Information Officer. Such copies shall be provided to the requester only upon payment of any copying fees which are due. Fees for copies of public records shall be assessed in accordance with the fee schedule for duplication of public records established by the Authority. Payment of fees shall be waived if the requester is a State agency, a constitutional officer, or a member of the General Assembly. Fees may be waived or reduced whenever the Authority determines, based upon the specific purpose stated in the request, that the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and not for the principal purpose of personal or commercial benefit for the requester. The Authority may consider the amount of materials and cost of copying when determining the amount of any reduction or waiver of fees.

## Section 2650.313 Certification of Public Records

When requested, the Information Officer shall provide copies of public records appropriately certified as to their authenticity and accuracy. Fees for certification of public records shall be assessed in accordance with the fee schedule for certification of public records established by the Authority. Payment of fees shall be waived if the requester is a State agency, a constitutional officer, or a member of the General Assembly. Fees may be waived or reduced whenever the Authority determines, based upon the specific purpose stated in the request, that the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and not for the principal purpose of personal or commercial benefit for the requester. The Authority may consider the amount of materials and cost when determining the amount of any reduction or waiver of fees.

## Section 2650.314 Computer Stored Records

When a request is made for records which are stored on electronic data processing equipment, the Information Officer shall provide the requester with a computer printout of the requested records, and shall also provide the requester with any information necessary to interpret and understand the printout.



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## Section 2650.320 Denial of Requests

The Information Officer shall deny requests for public records by giving written notice to the requester of the decision to deny the request, the specific reasons for denial, and the names and titles of individuals responsible for the denial. That notice shall inform the requester of the right to appeal that denial to the Chairman. Categorical requests creating an undue burden on the Authority's office shall be denied only after extending to the requester an opportunity to confer with the Information Officer in an attempt to reduce the request to manageable proportions.

## Section 2650.330 Compliance with Part and Denial of Part of a Request

When a request is made for public records, some of which are available for public inspection and some of which are not, the Information Officer may comply with part of such a request and deny part of such a request. The Information Officer shall comply with part of the request by following the procedures set forth in Section 2650.310 with respect to those documents which are available for public inspection, and shall deny part of the request by following the procedures set forth in Section 2650.320 with respect to those documents which are not available for public inspection.

## Section 2650.340 Notice of Additional Time for Compliance

If additional time is needed to respond to a request for public records for any of the reasons specified in Section 3 of The Freedom of Information Act, the Information Officer shall notify the requester in writing of the reasons for the delay and the date by which a final response will be forthcoming. The delay shall not last longer than seven working days, and within those seven working days the officer shall either comply with the request as set forth in Section 2650.310, deny the request as set forth in Section 2650.320, or comply with part of the request and deny part of the request as set forth in Section 2650.330.

## Section 2650.400 Procedures for Appeal

- a) A requester whose request for public records has been denied by the Information Officer may appeal the denial to the Chairman. Such an appeal shall be perfected by sending written notice of appeal to the Attorney General of the State of Illinois, Attention: FOIA Appeal, at the address specified in Section 2650.60.

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- b) The notice of appeal shall include a copy of the original request, a copy of the denial received by the requester, and a statement of the reasons why the appeal should be granted.

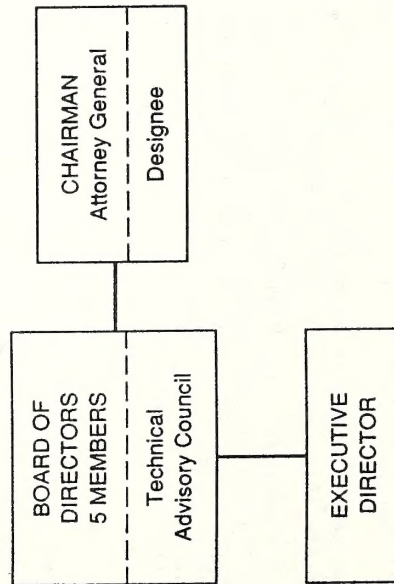
## Section 2650.410 Response to Appeal

The Chairman shall respond to an appeal in writing within seven working days of receiving notice thereof. The Chairman shall provide access to the requested public records or affirm the denial. If an appeal is denied, the Chairman shall set forth the reasons for denial, and shall inform the requester of his or her right to judicial review of his or her request under Section 11 of The Freedom of Information Act. Failure to respond to an appeal within seven working days may be considered by the requester as an affirmation of the denial.



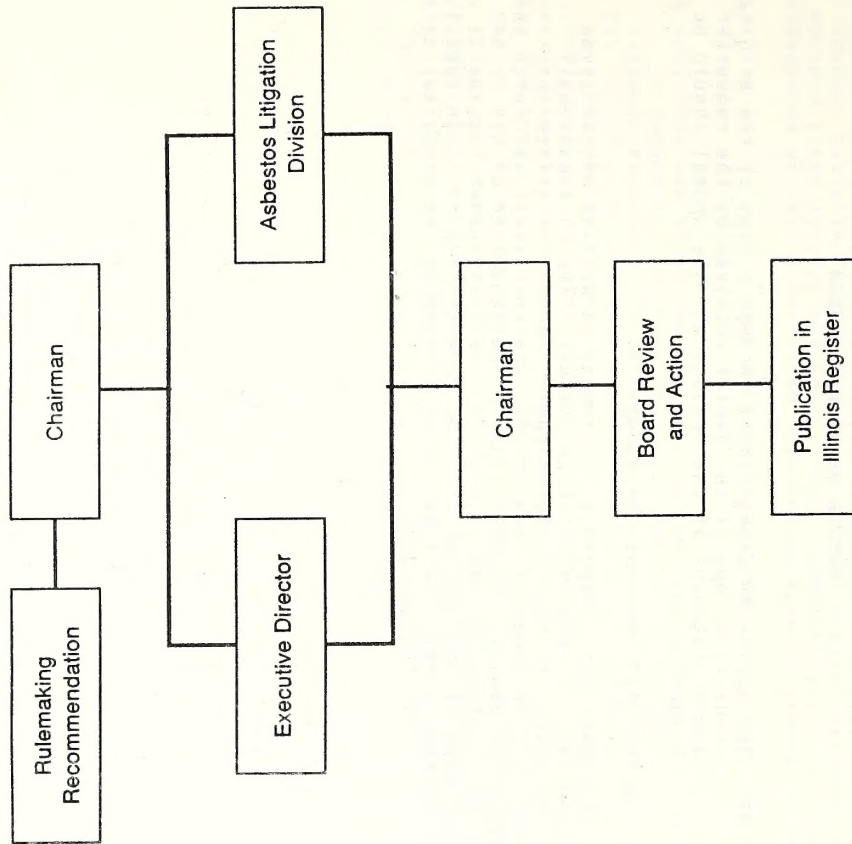
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Section 2650. ILLUSTRATION A Organizational Chart



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SECTION 2650. ILLUSTRATION B Rulemaking Flowchart





DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS  
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- 1) The Heading of the Part: Illinois Promotion Act Programs
- 2) Code Citation: 14 Ill. Adm. Code 510
- 3) Section Numbers: Adopted Action:  
510.110 New Section  
510.120 New Section  
510.130 New Section  
510.140 New Section  
510.150 New Section  
510.160 New Section  
510.170 New Section  
510.175 New Section  
510.180 New Section  
510.185 New Section  
510.190 New Section  
510.195 New Section  
510.200 New Section  
510.205 New Section

- 4) Statutory Authority: Implementing Sections 4(g) and 8a and authorized by Section 9 of the Illinois Promotion Act (Ill. Rev. Stat. 1989, ch. 127, pars. 200-24(g), 200-28a, and 200-29).
- 5) Effective Date of Amendments: February 1, 1991
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? Yes, under Section 6.02(a) of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: January 31, 1991.
- 9) Notice of Proposal Published in Illinois Register: August 17, 1990 - 14 Ill. Reg. 13072.
- 10) Has JCPR issued a Statement of Objections to these amendments? No.

- 11) Differences between proposal and final version:  
Section 510.130  
In line 2 of subsection(a), changed "may" to "shall".  
Deleted "which is not expressly prohibited in subsection(b)" from the end of subsection(a).  
Deleted "following is a selective" from line 1 of subsection(b).  
In line 2 of subsection(b), replaced the colon with "includes, but is not limited to,".

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- Section 510.160  
In line 1 of subsection(a), changed "will" to "shall".
- Section 510.170  
In subsection(a), replaced "applications must" with "applicants shall".  
In lines 2 and 6 of subsection(a)(10) and line 2 of subsection(b), changed "must" to "shall".
- Section 510.175  
Changed "will" to "shall" in lines 3, 6, and 7.
- In line 1 of subsection(a)(1), replaced "application must" with "applicant shall".
- In line 1 of subsection(a)(2), replaced "application must clearly" with "applicant shall".
- In lines 1, 3, and 10 of subsection(b), changed "will" to "shall".
- In line 15 of subsection(b), replaced the colon with an ending quote.
- In line 16 of subsection(b), deleted the parenthesis before "published".
- Section 510.180  
In line 1, changed "Applications" to "Applicants".  
In line 2, changed "will" to "shall".
- Section 510.185  
In line 1, replaced "must" with "shall".
- Section 510.190  
Inserted a new subsection(c) which reads: "The Department reserves the right to reallocate funds by category based on actual need demonstrated during the application cycle."
- Relabeled original subsection(c) as "(d)".
- Section 510.195  
In line 1 of subsection(a), changed "will" to "shall".
- In line 13 of subsection(b), substituted "shall" for "will".
- Section 510.200  
In subsection(a)(2)(B), line 1, deleted "promptly".  
In line 2 of subsection(a)(2)(B), inserted "within ten (10) working days" after "writing".



The full text of the Adopted Amendments begins on the next page:

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency amendment currently in effect? No, the emergency amendments expired January 3, 1991.
- 14) Are there any amendments pending on this Part? Yes.

Section Numbers:	Proposed Action:	Illinois Register Citation:
510.10	Amendment	January 25, 1991
510.20	Amendment	15 Ill. Reg. 677
510.40	Amendment	January 25, 1991
510.50	Amendment	15 Ill. Reg. 677
510.60	Amendment	January 25, 1991
510.70	Amendment	15 Ill. Reg. 677
510.80	Amendment	January 25, 1991

- 15) Summary and Purpose of Amendments: This rulemaking serves to implement the "Tourism Attraction Loan and Grant Program" authorized by the Illinois Promotion Act. Specifically, the rules describe the program purpose, eligible uses of loan and grant funds, eligible applicants, funding limitation, application cycle, application documentation, evaluation process, selection for funding, leverage, allocation of appropriations, and administrative requirements. Because another program, authorized by the Act, has been added to the Part, it is necessary to clarify the rules by adding subpart headings - "SUBPART A: TOURISM MATCHING GRANT PROGRAM" (for Section 510.10-510.100) and "SUBPART B: TOURISM ATTRACTION LOAN AND GRANT PROGRAM" (for Sections 510.110-510.205). Accordingly, the heading of the Part has been changed to "Illinois Promotion Act Programs".

- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. John D. Taylor, Deputy Director



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## TITLE 14: COMMERCE

## SUBTITLE C: ECONOMIC DEVELOPMENT

## CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## PART 510

## ILLINOIS PROMOTION ACT PROGRAMS

## SUBPART A: TOURISM MATCHING GRANT PROGRAM

Section  
510.10  
510.20  
510.30  
510.40  
510.50  
510.60  
510.70  
510.80  
510.90  
510.100

Authority  
Definitions  
Computation of Time  
Allocation of Appropriations to Applicants  
Form of Application  
Application Procedures  
Department Review Procedures  
Agreement  
Provision for Amendment to This Part  
Severability

## SUBPART B: TOURISM ATTRACTION LOAN AND GRANT PROGRAM

Section  
510.110  
510.120  
510.130  
510.140  
510.150  
510.160  
510.170  
510.175  
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510.185  
510.190  
510.195  
510.200  
510.205

Purpose  
Definitions  
Eligible Uses of Loan and Grant Funds  
Eligible Applicants  
Funding Limitation  
Application Cycle  
Application Documentation  
Evaluation Process  
Selection for Funding  
Leverage  
Allocation of Appropriations  
Administrative Requirements for Loans  
Administrative Requirements for Grants  
Administrative Requirements for Loans and Grants

AUTHORITY: Implementing and authorized by the Illinois Promotion Act (Ill. Rev. Stat. 1989, ch. 127, pars. 200-21 et seq.).

SOURCE: Filed December 30, 1977; codified at 6 Ill. Reg. 15011; emergency amendment at 14 Ill. Reg. 13298, effective August 6, 1990, for a maximum of 150 days; emergency expired January 3, 1991; amended at 15 Ill. Reg. 2673, effective ~~February 1, 1991~~.

NOTE: Capitalization denotes statutory language.

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## SUBPART B: TOURISM ATTRACTION LOAN AND GRANT PROGRAM

## Section 510.110 Purpose

Section 8a of the Illinois Promotion Act (Act) (Ill. Rev. Stat. 1989, Ch. 127, par. 200-28a) authorizes the Department of Commerce and Community Affairs to make grants to counties, municipalities or local promotion groups and loans to for-profit businesses for the development or improvement of tourism attractions in Illinois.

(Source: Added at 15 Ill. Reg. 2673, effective February 1, 1991.)

## Section 510.120 Definitions

"Application" means a request for program funds including the required forms and attachments.

"Department" means the Department of Commerce and Community Affairs.

"LOCAL PROMOTION GROUP" MEANS ANY NON-PROFIT CORPORATION, ORGANIZATION, ASSOCIATION, AGENCY OR COMMITTEE THEREOF FORMED FOR THE PRIMARY PURPOSE OF PUBLICIZING, PROMOTING, ADVERTISING OR OTHERWISE ENCOURAGING THE DEVELOPMENT OF TOURISM IN ANY MUNICIPALITY, COUNTY, OR REGION OF ILLINOIS (Section 3(b) of the Act).

"Municipality" means "municipality" as defined in Section 1-1-2 of the Illinois Municipal Code (Ill. Rev. Stat. 1989, ch. 24, par. 1-1-2 (1)).

"Program" means the Tourism Attraction Loan and Grant Program.

"Project" means an activity or activities funded by the Tourism Attraction Loan and Grant Program.

"Recipient" means a Local Promotion Group, county or municipality that has been awarded a grant or a for-profit business that has been awarded a loan under this Program.

"Tourism attraction" means fishing and hunting areas, historical sites, vacation regions, areas of historic or scenic interest, museums, recreation areas and facilities and other facilities or businesses which attract or serve travelers.

(Source: Added at 15 Ill. Reg. 2673, effective February 1, 1991.)

Section 510.130 Eligible Uses of Loan and Grant Funds



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- a) Eligible Projects and Activities - Activities assisted by this program shall include the following: Provision of assistance to counties, municipalities, local promotion groups and for-profit businesses for such activities as land acquisition, public facilities, construction, renovation and improvements (such as water, sewer, roads and utility lines); acquisition, construction, reconstruction, and rehabilitation of buildings; purchase and installation of machinery and equipment; working capital and operational expenses; feasibility studies and analyses, research and development, and marketing and management planning for new tourist attractions; and other activities necessary to develop or improve an existing tourist attraction or develop a new tourist attraction.

- b) Ineligible Projects and Activities - The list of activities that are ineligible for funding includes, but is not limited to, debt refinancing, contingency funding and normal operating expenses.

(Source: Added at 15 Ill. Reg. 2673, effective February 1, 1991)

## Section 510.140 Eligible Applicants

- a) Only counties, municipalities and local promotion groups as defined in Section 510.120 may apply for grants.
- b) Only for-profit businesses may apply for loans.

(Source: Added at 15 Ill. Reg. 2673, effective February 1, 1991)

## Section 510.150 Funding Limitation

The Department shall provide no more than 50 percent of the entire amount of actual expenditures for a single project, not to exceed \$40,000.

(Source: Added at 15 Ill. Reg. 2673, effective February 1, 1991)

## Section 510.160 Application Cycle

- a) The Department shall supply interested entities with an application package upon request. Applications under this program will be accepted on an ongoing basis.

- b) Applications will be accepted at the following addresses:

- 1) Department of Commerce and Community Affairs, 620 East Adams, Springfield, IL 62704; or
- 2) Department of Commerce and Community Affairs, State of Illinois Center, 100 W. Randolph, Suite 3-400, Chicago, IL

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(Source: Added at 15 Ill. Reg. 2673, effective February 1, 1991)

## Section 510.170 Application Documentation

- a) All applicants shall include documentation of the following:

- 1) Description of the Project - a summary description of the project.
- 2) History - a brief history of the applicant, including its legal organization, i.e., articles of incorporation, if incorporated as a not-for-profit or for-profit entity or statutory authority as a governmental entity and approval of the project by the appropriate entity.

- 3) Use of Funds - a detailed explanation of the use of the grant or loan funds.

- 4) Results - a statement of the expected outcome and benefits to the State as a result of this project in terms of development or improvement of tourism attractions. Preference will be given to projects which demonstrate the greatest potential for increasing hotel/motel occupancy and travel into and throughout the State of Illinois stimulating the economic growth of the tourism industry.

- 5) Project Implementation Schedule - a list of the timelines for major project milestones and/or activities including the start and end date of each activity.

- 6) Management - listing of those individuals that are responsible for the management of the tourist attraction, their positions and responsibilities, and resumes of key senior individuals at the site location.

- 7) Land and Building Information (if applicable) - for land and/or building acquisition, an MAI appraisal and a copy of the purchase option or agreement; for building construction or renovation, a contractor's or architect's cost estimates.

- 8) Description of Machinery and Equipment (if applicable) - identification of major equipment or classes of equipment to be acquired with the Department's program funds; for acquisition of new machinery and equipment, attachment of reliable vendor cost estimates; for moving and installation costs, attachment of written estimates; for used machinery



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and equipment acquisition, an appraisal demonstrating that the fair market value is consistent with the purchase price.

- 9) Description of Working Capital (if applicable) - a description of the type of working capital needs to be financed with the Department's program funds.
- 10) Letters of Commitment - documentation of all sources of leveraging; loan commitment from financial institutions shall have language indicating the loan amount, the specified term and interest, collateral, conditions attendant to the loan, and the fact that the loan is approved; any commitment to purchase a revenue bond shall have an executed inducement resolution and the rates, terms, and conditions of approval by the buyers.

- 11) Site Map - an outline of the general location of the project on a site map, reflecting the location of any floodplain areas or wetlands.

- b) In addition to the requirements of subsection (a), for-profit businesses shall include documentation of the following:

- 1) Market Information - information on the company's products or services and identification of existing and potential major customers and competitors.
- 2) Historical Financial Statements - historical financial statements for the past three years and interim statements dated no more than ninety days prior to application including:

- A) Profit and Loss Statements;
- B) Balance Sheets;
- C) Cash Flow Statements; and
- D) Disclosure of Contingent Liabilities.

- 3) Projected Financial Statements - three year projections of the Profit and Loss Statement and Balance Sheet and a one year Monthly Cash Flow Projection.

- 4) Ownership - the company will provide a detailed statement of ownership which shall include a percentage of ownership. Such statements shall clearly identify any ownership interest which amounts to 20% or more, any ownership

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interest which is considered to be controlling the business, and/or any interest which is guaranteeing any financial or contractual activities of the company. For all such entities which meet any of these conditions, a personal financial statement(s) shall be provided.

- 5) The Department shall waive the requirements of subsections (b)(1) through (4) when:

- A) The company has submitted a comprehensive business plan or company annual reports;
- B) The company is publicly owned and traded; and
- C) The company's historic financial condition is deemed excellent, meeting industry standards in accordance with Section 510.175(b).

(Source: Added at 15 Ill. Reg. 2673, effective February 1, 1991.)

## Section 510.175 Evaluation Process

The Department shall screen all applications to determine whether all requirements of the application package have been addressed and whether the applicant is eligible for funding. Applicants shall be notified of deficiencies in applications and given an opportunity to correct such deficiencies through submission of additional documentation. This review and evaluation process shall be completed within 60 days of the receipt of a complete application. Department staff shall conduct an evaluation of each application.

## a) Technical Evaluation Component

- 1) Project Implementation Readiness - the applicant shall show that the project is ready for implementation by providing a time schedule for immediate project initiation; detailed cost estimates which demonstrate cost feasibility of the project.
- 2) Project Impact - the applicant shall demonstrate a positive project impact consisting of an expected increase in tourists to the area, or ability to better serve or accommodate tourists.
- b) Financial Evaluation Component - the Department shall conduct a financial analysis of the loan application submitted by for-profit companies. The Department shall review the company's financial statements, including the annual balance sheets and profit and loss statements for the past three years, as well as



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the most recent ninety days, and a three year projected balance sheet and profit and loss statement, as well as a one year monthly cash flow statement. A comprehensive business plan or company annual reports may be submitted in lieu of the aforementioned material. This shall be reviewed through a standard credit analysis which will determine the: liquidity and debt coverage for the project; ability of the company to manage debt; business trends; and projected earnings. This data will be compared to similar data for companies in the same industry using the 1988 (no later amendments or editions included) "RNA Annual Statement Studies" published by Robert Morris Associates, P. O. Box 8500, S-1140, Philadelphia, PA 19178, or a comparable source if such industry is evaluated by this source or a comparable source. This standard credit analysis will determine the financial stability of the company and need for funding.

(Source: Added at 15 Ill. Reg. 2673, effective February 1, 1991)

## Section 510.180 Selection for Funding

Applicants which best meet the objectives of the program and demonstrate the greatest potential as a tourist attraction shall receive loan or grant funds until all available funds are expended.

(Source: Added at 15 Ill. Reg. 2673, effective February 1, 1991)

## Section 510.185 Leverage

The applicant shall leverage additional financial resources for the project over and above funding provided by the Department in an amount not less than 50% of the project's actual expenditures.

## a) Allowable leverage includes:

- 1) Term loan proceeds, bond sale proceeds or other forms of financial institution participation;
- 2) Other public grant or loan program funds;
- 3) Use of retained earnings, proceeds of a public stock offering or other cash equity, excluding pre-project officer notes payable, off-balance sheet debt financing and goodwill.
- 4) Local hotel/motel tax, membership dues, or other cash contributions.

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## b) Unallowable leverage:

- 1) Costs incurred or funds expended prior to date of grant or loan award;
- 2) Funds from other Department funded programs (although they may be used to further the project);
- 3) Existing equipment, buildings, furnishings, or inventory, already owned;
- 4) Lines of credit;
- 5) Contracts for deed without a due and payable clause or which is an apparent substitution for simple rent;
- 6) Post project costs such as normal operational expenses;
- 7) Debt refinancing; and
- 8) In-kind contributions.

(Source: Added at 15 Ill. Reg. 2673, effective February 1, 1991)

## Section 510.190 Allocation of Appropriations

## a) Allocation between grant and loans - The allocation between grants and loans shall be:

- 1) 40% of the amount of the fiscal year appropriation to the Department shall be allocated to grants.
- 2) 60% of the amount of the fiscal year appropriation to the Department shall be allocated to loans.

## b) The allocation between counties shall be:

- 1) 67% of the amount of the fiscal year appropriation to the Department shall be allocated to municipalities, counties, local promotion groups and for-profit businesses not wholly or partially within any county of more than 1 million population.
- 2) 33% of the amount of the fiscal year appropriation to the Department shall be allocated to municipalities, counties, local promotion groups and for-profit businesses wholly or partially within any county of more than 1 million population.



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- c) The Department reserves the right to reallocate funds by category based on actual need demonstrated during the application cycle.
- d) Feasibility Studies - No more than 10% of the total amount allocated in a fiscal year for grants may be used for feasibility studies and analyses, research and development and management and marketing planning.

(Source: Added at 15 Ill. Reg. 2673, effective February 1, 1991)

## Section 510.195 Administrative Requirements For Loans

- a) Loan Terms - The Department shall negotiate the loan terms and amortization schedule. All payments shall be applied first to interest and then to principal.
- b) Events of Default - The entire principal of the loan, and the interest then accrued thereon, shall become due and be immediately due and payable upon the written demand of the Department, without any other notice or demand of any kind or any presentiment of protest, if any one of the following events (hereafter an "event of default") shall occur and be continuing at the time of such demand, whether voluntarily or involuntarily, or without limitation, occurring or brought about by operation of law or pursuant to or in compliance with any judgment, decree or order of any court or any order, rules or regulations of any administrative or governmental body, provided, however that such sum shall not be then payable if Recipient's payments have been deferred. The Department shall make deferrals based upon case by case review of the Recipient's financial statement and projections to determine if the Recipient will be able to make payments at a future date.

- 1) Non-Payment of Loan - If the Recipient shall fail to make payment when due of any installment of principal on the loan, or interest accrued thereon and if the failure to make payment shall remain unremedied for fifteen (15) days.
- 2) Non-Payment of Other Indebtedness - If default shall be made in the payment when due of any installment of principal or of interest on any of the Recipient's other indebtedness (any creditor the Recipient owes) and if such default shall remain unremedied for (15) days.
- 3) Incorrect Representation or Warranty - If any representation or warranty contained in, or made in connection with the execution and delivery of, the loan agreement, or in any certificate furnished pursuant hereto, shall prove to have been incorrect.

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- 4) Default in Covenants - If the Recipient shall default in the performance of any other term, covenant or agreement contained in the loan agreement, and such default shall continue unremedied for thirty (30) days after either:
- it becomes known to an executive officer of the Recipient; or
  - written notice thereof shall have been given to the Recipient by the Department.
- 5) Voluntary Insolvency - If the Recipient shall cease to pay its own debts as they mature or shall voluntarily file a petition seeking reorganization of, or the appointment of a receiver, trustee, or liquidation of its assets or to effect a repayment plan with creditors, or shall be adjudicated bankrupt, or shall make a voluntary assignment for the benefit of creditors.
- 6) Involuntary Insolvency - If an involuntary petition shall be filed against the Recipient under any bankruptcy or insolvency law seeking the reorganization of or the appointment of any receiver, trustee or liquidator for the Recipient, or the property of the Recipient, or a writ or warrant of attachment shall be issued against the property of the Recipient and such petition shall not be dismissed, or such writ or warrant of attachment shall not be released or bonded within thirty (30) days after filing or levy.
- 7) Judgments - If any financial judgment for the payment of money that is not fully covered by liability insurance shall be rendered against the Recipient, and within thirty (30) days, shall not be discharged, or an appeal therefrom taken and execution thereon effectively stayed pending such appeal, and, if such judgment be affirmed on such appeal, the same shall not be discharged within thirty (30) days.
- c) Notice of Default - The Recipient agrees to give written notice to the Department of any event, within 15 days after the event, which constitutes an event of default as specified in subsection(b).
- d) Maintenance and Insurance of Property
- 1) The Recipient shall at all times maintain the property provided as security for the loan in such condition and repair that the Department's security will be adequately protected.



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- 2) The Recipient shall maintain, during the term of the loan, adequate (at least covering the amount of the loan) hazard (e.g., tornado, hail, acts of God) insurance policies, covering fire and extended coverage for all such other hazards and issued by an insurance company authorized to do business in the State of Illinois with loss payable clauses in favor of the Department.
- 3) The Recipient shall, if at any time during the life of the loan the Recipient's property is declared to be within a flood hazard area, purchase federal flood insurance if available. Such insurance shall be equal to the amount of the loan.
- 4) The Recipient shall maintain liability and worker's compensation insurance. The Recipient shall provide written notice to the Department of any public hearing or meeting before any administrative or other public agency which may, in any manner, affect the chattel, personal property or real estate securing the loan.

(Source: Added at 15 Ill. Reg. 2673, effective February 1, 1991)

## Section 510.200 Administrative Requirements For Grants

- a) Termination of Grant - Grants shall be terminated for the following reasons:

- 1) Termination due to Loss of Funding - In the absence of state funding for a fiscal year, all grants for that year will be terminated in full. In the event of a partial loss of state funding, the Department will make proportionate cuts to all Recipients. In the event the Department suffers such a loss of funding in full or part, the Department will give the Recipient written notice setting forth the effective date of full or partial termination, or if a change in funding is required setting forth the change in funding and changes in the approved budget.

- 2) Termination for Cause

- A) If the Department determines that the Recipient has failed to comply with the terms and conditions of the grant, the Department shall terminate the grant in whole, or in part, at any time before the date of completion. Circumstances which will result in the termination of a grant include, but are not necessarily limited to the following: consistent failure to submit required reports; failure to

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maintain required records; failure to protect inventory; misuse of equipment purchased with grant funds; evidence of fraud and abuse; and consistent failure to meet performance standards. These circumstances are explained in the grant agreement.

- B) The Department shall notify the Recipient in writing within ten (10) working days of the determination to terminate, the reasons for such termination, and the effective date of the termination. Payments made to the Recipient or recoveries by the Department shall be made in accordance with legal rights and liabilities explained in the grant agreement.

- 3) Termination by Agreement - The Department and the Recipient shall terminate the grant in whole, or in part, when the Department and the Recipient agree that the continuation of the program objectives would not produce beneficial results commensurate with the future expenditure of funds. The Department and the Recipient shall agree upon termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The Recipient shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the Recipient for the Department's share of the noncancellable obligations, properly incurred by the Recipient prior to termination.

- b) Interest on Grant Funds - In accordance with Section 10 of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. ch. 127, par. 2310), all interest earned on funds held by the Recipient under the grant shall become part of the grant when earned. Any interest earned under the grant, and not expended as grant principal during the term of the grant, shall be returned to the Department.

- c) Record Retention - The Recipient will, as often as deemed necessary by the Department or the Auditor General of the State of Illinois, permit the Department and the Auditor General or any of their duly authorized representatives to have full access to and the right to examine any pertinent books, documents, papers and records of the grantee involving transactions related to a grant under this program for three (3) years of the date of submission of the final expenditure report or until the audit findings have been resolved, whichever is later. The Recipient shall include in all contracts under this grant program a provision that the Department or the Auditor General or any of their duly authorized representatives will have full access to and the right to examine any pertinent books, documents, papers



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and records for any such contractor involving transactions related to the contract for three (3) years from the final payment under the contract. The term "contract" as used in this clause excludes purchase orders not exceeding \$2,500.

- d) Grant Close-out - In accordance with Section 4 of the Illinois Grant Funds Recovery Act, all funds remaining at the end of the grant period or at the expiration of the period of time grant funds are available for expenditure or obligation by the Recipient shall be returned to the Department within 45 days. The Recipient agrees to repay the Department for any funds that are determined by the Department to have been spent in violation of the grant agreement.

(Source: Added at 15 Ill. Reg. 2673, effective February 1, 1991)

## Section 510.205 Administrative Requirements for Loans and Grants

- a) Audits - The Recipient shall be responsible for securing any compliance audit required of grant/loan records. Such audit shall be performed by an independent certified public accountant, licensed by authority of the State of Illinois pursuant to the Illinois Public Accounting Act (Ill. Rev. Stat. 1989, ch. 111, pars. 5500 et seq.) The audit shall be conducted in accordance with generally accepted auditing standards adopted by the AICPA (1989).
- b) Special Audits - The Department reserves the right to conduct special audits, including but not limited to an agency-wide audit, at any time during normal working hours, of the funds expended under Department grants or loans.
- c) Monitoring and Evaluation - Recipients shall permit any agent authorized by the Department, upon presentation of credentials to, in accordance with the constitutional limitation on administrative searches, have full access to and the right to examine any documents, papers, and records of the Recipient involving transactions related to a grant/loan from the Department.
- d) Complaint Process - In the event of a Recipient complaint, the Department will follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).
- e) Nondiscrimination - The Recipient shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act (Ill. Rev. Stat. 1989, ch. 68, pars. 1-101 et

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seq.).

- f) Financial Management Standards - The Recipient's financial management system shall be structured under the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA) September 19, 1987, (no later amendments or editions included) to maintain control and accountability over grant/loan funds.
- g) Integration Clause - The grant/loan agreement, with attachments, as written is a full and complete agreement between the parties and there are no oral agreements or understandings between the parties that have been reduced to writing herein.
- h) Severability Clause - If any provision under the grant/loan agreement or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or its application of the agreement which can be given effect without the invalid provision of application.
- i) Waivers - A waiver of any condition of the agreement shall be in writing and signed by the Director of the Department or his designee.
- j) State not Liable - Recipients shall save the State of Illinois harmless from any and all claims, demands, and actions based upon or arising out of any services performed by themselves or by their agents or employees under this agreement. The Department by entering into this agreement does not pledge or promise to pledge the assets of the State nor does it promise to pay any compensation to the grant or loan recipients from any monies of the treasury of the State except such monies as shall be appropriated and paid to the Recipient by the Department.
- k) Indemnity - The Recipient agrees to assume all risks of loss and to indemnify and hold the Department, its officers, agents and employees, harmless from and against any and all liabilities, demands, claims, damages, suits, costs, fees, and expenses, incident thereto, for injuries or death to persons and for loss of, damage to, or destruction of property because of the Recipient's negligence, intentional acts or omissions. In the event of any demand or claim, the Department will notify the Recipient in writing. The Department may elect to defend any such demand or claim against the Department and will be entitled to be paid by the Recipient for all damages.
- l) Insurance - The Recipient shall provide Worker's Compensation Insurance or the same as required, and shall accept full



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responsibility for the payment of Unemployment Insurance, premiums for Worker's Compensation, Social Security, and retirement and health insurance benefits, as well as all income tax deductions and any other taxes or payroll deductions required by law for its employees who are performing services specified by the grant/loan agreement.

m) Appropriations - Obligations of the Department shall cease immediately without penalty of further payment being required if in any fiscal year the General Assembly fails to appropriate or otherwise make available sufficient funds for the grant/loan agreement.

n) Certifications - The Recipient shall certify that it is not barred from being awarded a contractor/subcontract under Section 10.1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1989, ch. 127, par. 132.10-1). The Recipient shall certify that it has not been barred from contracting with a unit of state or local government as a result of a violation of Section 33E-3 or 33E-4 of the Criminal Code of 1961 (Ill. Rev. Stat. 1989, ch. 38, par. 33E-3 and 33E-4).

o) Reports - Recipients shall submit, as required by the Department, reports on the financial status of the project and narrative reports on outcomes and results.

(Source: Added at 15 Ill. Reg. 2673, effective February 1, 1991.)

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- 1) The Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Number: 1.245 Adopted Action: New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 122, par. 2-3.96
- 5) Effective Date of amendment: February 1, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 31, 1991
- 9) Notice of Proposal Published in Illinois Register:  
May 11, 1990, 14 Ill. Reg. 6931
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? Yes  
If answer is "yes," please complete the following:  
A) Statement of Objection: December 28, 1990, 14 Ill. Reg. 21110  
B) Agency Response: Ill. Reg.  
C) Date Agency Response Submitted for Approval to JCAR: January 9, 1991
- 11) Difference(s) between proposal and final version:

The following changes have been made in response to public comment and the Joint Committee on Administrative Rules.

The implementation date has been changed to 1991-1992 from 1990-1991 in Sections 1.245(a)(1) and (d)(2)(A).



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- The following language has been added to Section 1.245(b).
- 1) "School fees" include, but are not limited to, the following:
- A) All charges for required textbooks and instructional materials.
- B) All charges and deposits collected by a school for use of school property (e.g., locks, towels, laboratory equipment).
- C) Charges for field trips made during school hours, or made after school hours if the field trip is a required or customary part of a class or extracurricular activity (e.g., annually scheduled trips to museums, concerts, places of business and industry or field trips related to instruction in social studies, the fine arts, career/vocational education or the sciences).
- D) Charges or deposits for uniforms or equipment related to varsity and intramural sports, or to fine arts programs.
- E) Charges to participate in an extracurricular activity.
- F) Charges for supplies required for a particular class (e.g., shop or home economics materials, laboratory or art supplies).
- G) Graduation fees (e.g., caps, gowns).
- H) School records fees.
- I) School health services fees.
- J) Driver's education fees assessed pursuant to Section 27-23 of The School Code.
- 2) "School fees" do not include:

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- A) Library fines and other charges made for the loss, misuse, or destruction of school property (e.g., musical instruments).
- B) Charges for the purchase of class rings, yearbooks, pictures, diploma covers or similar items.
- C) Charges for optional travel undertaken by a school club or group of students outside of school hours (e.g., a trip to Spain by the Spanish club or a senior class trip).
- D) Charges for admission to school dances, athletic events or other social events.
- E) Optional community service programs for which fees are charged (e.g., preschool, before- and after-school child care, recreation programs).
- The following language has been added to Section 1.245(d)(2).
- 2) Notification of parents
- A) The district's policy for the waiver of school fees shall be communicated in writing to the parents of all students enrolled in the district at the start of the 1990-1991 1991-1992 school year and thereafter to all parents of all students enrolling in the district for the first time. A fee waiver application form also may be included with this notice when it is sent to parents. The notification must be in English or the home language of the parents, if it is needed to ensure their understanding of the district's policy (if translation of the notice is not feasible, the use of interpreters is permitted - e.g., other students or neighbors). The notice shall at least describe:
- i) A) the district's policy, including the criteria and other circumstances under which the district will waive school fees;



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- ii) B) the fees subject to waiver under the district's policy;
- iii) e) the procedure to be used by parents in applying for a waiver of school fees, including the availability of forms that may be used to request a fee waiver; and
- iv) B) the procedure to be used by parents in resolving disputes concerning the waiver of school fees.
- B) The district's policy shall also provide that the first bill or notice sent to parents who owe fees shall state:
  - i) the district waives the fees for persons unable to afford them in accordance with its policy; and
  - ii) the procedure for applying for a fee waiver, or the name, address and telephone number of the person to contact for information concerning a fee waiver.

The following language has been added to Section 1.245(d)(3).

- A) The district's policy must provide that if it denies a request for a fee waiver, then it shall mail a copy of its decision to the parents within thirty (30) calendar days of receipt of the request. The decision shall state the reason for the denial and shall inform the parents of their right to appeal, including the process and timelines for that action. The denial notice shall also include a statement informing the parents that they may reapply for a waiver any time during the school year, if circumstances change.

- B) An appeal shall be decided within thirty (30) calendar days of the receipt of the parents' request for an appeal. Parents shall have the right to meet with the person who will decide the

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appeal in order to explain why the fee waiver should be granted. The person who decides the appeal shall not be the person who initially denied the fee waiver or a subordinate of this person.

In addition, other technical changes, requested by the Administrative Code Division and the Joint Committee on Administrative Rules, have been made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment:  
A new Section 1.245 has been added to this Part, setting forth requirements to govern districts' policies regarding the waiver of school fees as contemplated by P.A. 86-195. The term "school fees" is defined in detail, and the necessary elements of districts' fee waiver policies are identified. These include eligibility standards, notification of parents, and procedures for the resolution of disputes. The Section contains the standards applicable to each of these elements. The rule also contains provisions regarding the notification of parents when a district's policy is changed in any substantive way; the confidentiality of student records used in establishing eligibility of fee waivers; and the impermissibility of punishing or discriminating against students whose parents or guardians are unable to purchase required materials or pay school fees.
- 16) Information and questions regarding this adopted amendment shall be directed to:



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Name: Enno Lietz  
Address: Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001  
Telephone: (217) 782-2848

The full text of the Adopted Amendment begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION  
PART 1  
PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION  
SUBPART A: RECOGNITION AND SUPERVISION

Section	
1.10	Periodic Evaluation
1.20	Evaluation by Public School Approval Section and Regional Superintendent
1.30	Development of Learning Assessment and School Improvement Plans
1.40	Pending Further Audit
1.50	Three Types of Recognition Status
1.60	Reevaluation
1.70	Effective Dates for Recognition Status
1.80	Appeals

SUBPART B: SCHOOL GOVERNANCE

Section	
1.210	Powers and Duties
1.220	Duties of Superintendent
1.230	Board of Education and The School Code
1.240	Equal Opportunities for all Students
1.245	Waiver of School Fees
1.250	District to Comply with 23 Ill. Adm. Code 175 and 185
1.260	Commemorative Holidays to be Observed by Public Schools
1.270	Book and Material Selection
1.280	Discipline
1.290	Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section	
1.310	Administrative Responsibilities
1.320	Duties
1.330	Hazardous Materials Training



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## SUBPART D: THE INSTRUCTIONAL PROGRAM

- Section
- 1.410 Determination of the Instructional Program
  - 1.420 Basic Standards
  - 1.430 Additional Criteria for Elementary Schools
  - 1.440 Additional Criteria for High Schools
  - 1.450 Special Programs
  - 1.460 Credit Earned Through Proficiency Examinations
  - 1.462 Uniform Annual Consumer Education Proficiency Test
  - 1.465 Ethnic School Foreign Language Credit and Program Approval
  - 1.470 Adult and Continuing Education
  - 1.480 Correctional Institution Educational Programs

## SUBPART E: SUPPORT SERVICES

- Section
- 1.510 Transportation
  - 1.520 School Food Services
  - 1.530 Health Services
  - 1.540 Pupil Personnel Services

## SUBPART F: STAFF CERTIFICATION REQUIREMENTS

- Section
- 1.610 Public School Districts
  - 1.620 Accreditation of Staff
  - 1.630 Noncertificated Personnel
  - 1.640 Requirements for Different Certificates
  - 1.650 Transcripts of Credits
  - 1.660 Records of Professional Personnel

## SUBPART G: STAFF QUALIFICATIONS

- Section
- 1.705 Minimum Requirements for Teachers
  - 1.710 Minimum Requirements for Elementary Teachers
  - 1.720 Minimum Requirements for Teachers of Junior High and Departmentalized Upper Elementary Grades
  - 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above
  - 1.735 Requirements to Take Effect on July 1, 1991
  - 1.740 Standards for Reading

- 1.750 Standards for Media Services
- 1.760 Standards for Pupil Personnel Services
- 1.770 Standards for Special Education Personnel
- 1.780 Standards for Teachers in Bilingual Education Programs
- 1.781 Requirements for Bilingual Education Teachers in Grades K-12
- 1.782 Requirements for Teachers of English as a Second Language in Grades K-12
- 1.790 Substitute Teacher

SECTION 1. APPENDIX A Professional Staff Certification  
 SECTION 1. APPENDIX B Certification Quick Reference Chart  
 SECTION 1. APPENDIX C Glossary of Terms

AUTHORITY: Implementing Sections 2-3.25, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-22, and 27-23.3 and authorized by Section 2-3.6 of The School Code (Ill. Rev. Stat. 1989, ch. 122, pars. 2-3.25, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-22, 27-23.3, and 2-3.6).

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at <sup>15</sup> Ill. Reg. <sup>2692</sup>, effective February 1, 1991.

NOTE: Capitalization denotes statutory language.

## SUBPART B: SCHOOL GOVERNANCE

## Section 1.245 Waiver of School Fees

This Section provides the rules required by Section 2-3.96 of The School Code under which each school district is required to adopt a written policy for the waiver of school fees as required by Sections 10-20.13 and 34-21.6 of The School Code (Ill. Rev. Stat. 1989, ch. 122, pars. 10-20.13 and 34-21.6).

- a) Each school board shall adopt a written policy and administrative procedures for the waiver of school fees. The policy and procedures must:



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- 1) be implemented no later than the start of the 1991-1992 school year; and
  - 2) contain at least the elements set forth in subsection (c) or (d).
- b) For the purposes of this Section "school fees" or "fees" means any monetary charge collected by a public school or public school district from a student or the parents or guardian of a student as a prerequisite for the student's participation in any curricular or extracurricular program of the school or school district. A school or school district does not impose a "fee" when it requires that a student provide his or her own ordinary supplies or materials (e.g., pencil, paper, notebooks), which are necessary to participate in any curricular or extracurricular program.
- 1) "School fees" include, but are not limited to, the following:
    - A) All charges for required textbooks and instructional materials.
    - B) All charges and deposits collected by a school for use of school property (e.g., locks, towels, laboratory equipment).
    - C) Charges for field trips made during school hours, or made after school hours if the field trip is a required or customary part of a class or extracurricular activity (e.g., annually scheduled trips to museums, concerts, places of business and industry or field trips related to instruction in social studies, the fine arts, career/vocational education or the sciences).
    - D) Charges or deposits for uniforms or equipment related to varsity and intramural sports, or to fine arts programs.
    - E) Charges to participate in extracurricular activity.
    - F) Charges for supplies required for a particular class (e.g., shop or home

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- economics materials, laboratory or art supplies).
- G) Graduation fees (e.g., caps, gowns).
  - H) School records fees.
  - I) School health services fees.
  - J) Driver's education fees assessed pursuant to Section 27-23 of The School Code.
- 2) "School fees" do not include:
- A) Library fines and other charges made for the loss, misuse, or destruction of school property (e.g., musical instruments).
  - B) Charges for the purchase of class rings, yearbooks, pictures, diploma covers or similar items.
  - C) Charges for optional travel undertaken by a school club or group of students outside of school hours (e.g., a trip to Spain by the Spanish club or a senior class trip).
  - D) Charges for admission to school dances, athletic events or other social events.
  - E) Optional community service programs for which fees are charged (e.g., preschool, before- and after-school child care, recreation programs).
- c) School boards that do not charge school fees must adopt a policy so stating. Parents must be notified of this policy as provided in this Section.
- d) School boards that charge school fees must adopt a policy and procedures containing at least the following elements:
- 1) Standards to determine eligibility
    - A) Standards must include a waiver of fees for all students who qualify for free lunches or breakfasts under "AN ACT authorizing school



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boards and welfare centers to sponsor community school lunch programs and free breakfast and lunch programs and authorizing and requiring free school lunch programs, providing for State reimbursement" (Community School Lunch Program) (Ill. Rev. Stat. 1989, ch. 122, par. 712.1 et seq.).

- B) Standards must also include a description of other extenuating circumstances under which the district will grant a waiver of school fees. Examples include: students who are eligible to receive reduced price lunch or breakfast; very significant loss of income due to severe illness or injury in the family or unusual expenses such as fire, flood, or storm damage; or similar emergency situations that the district determines to include in its policy.

## 2) Notification of parents

- A) The district's policy for the waiver of school fees shall be communicated in writing to the parents of all students enrolled in the district at the start of the 1991-1992 school year and thereafter to the parents of all students enrolling in the district for the first time. A fee waiver application form also may be included with this notice when it is sent to parents. The notification must be in English or the home language of the parents, if it is needed to ensure their understanding of the district's policy (if translation of the notice is not feasible, the use of interpreters is permitted - e.g., other students or neighbors). The notice shall at least describe:

- i) the district's policy, including the criteria and other circumstances under which the district will waive school fees;
- ii) the fees subject to waiver under the district's policy;

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- iii) the procedure to be used by parents in applying for a waiver of school fees, including the availability of forms that may be used to request a fee waiver; and
- iv) the procedure to be used by parents in resolving disputes concerning the waiver of school fees.

- B) The district's policy also shall provide that the first bill or notice sent to parents who owe fees shall state:

- i) the district waives fees for persons unable to afford them in accordance with its policy; and
- ii) the procedure for applying for a fee waiver, or the name, address and telephone number of the person to contact for information concerning a fee waiver.

## 3) Procedures for the resolution of disputes

- A) The district's policy must provide that if it denies a request for a fee waiver, then it shall mail a copy of its decision to the parents within thirty (30) calendar days of receipt of the request. The decision shall state the reason for the denial and shall inform the parents of their right to appeal, including the process and timelines for that action. The denial notice shall also include a statement informing the parents that they may reapply for a waiver any time during the school year, if circumstances change.
- B) An appeal shall be decided within thirty (30) calendar days of the receipt of the parents' request for an appeal. Parents shall have the right to meet with the person who will decide the appeal in order to explain why the fee waiver should be granted. The person who decides the appeal shall not be the person who initially denied the fee waiver or a subordinate of this person. If the appeal is denied, then the district shall mail a copy



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of its decision to the parents. The decision shall state the reason for the denial.

- C) No fee shall be collected from any parent who is seeking a fee waiver in accordance with the district's policy until the district has acted on the initial request or appeal (if any is made), and the parents have been notified of its decision.

- e) If the fee waiver policy and/or procedures are substantively amended, then parents of students enrolled in the district must be notified in writing within thirty (30) calendar days following the adoption of the amendments.

- f) School records that identify individual students as applicants for or recipients of fee waivers are subject to the Illinois School Student Records Act (Ill. Rev. Stat. 1989, ch. 122, par. 50-1 et seq.). Information from such records is confidential and may be disclosed only as provided in the Act.

- g) NO DISCRIMINATION OR PUNISHMENT OF ANY KIND, INCLUDING THE LOWERING OF GRADES OR EXCLUSION FROM CLASSES, MAY BE EXERCISED AGAINST A STUDENT WHOSE PARENTS OR GUARDIANS ARE UNABLE TO PURCHASE REQUIRED TEXTBOOKS OR INSTRUCTIONAL MATERIALS OR TO PAY REQUIRED FEES (Section 28-19.2(a) of The School Code).

(Source: Added at 15 Ill. Reg. 2692, effective February 1, 1991

## DEPARTMENT OF MINES AND MINERALS

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- 1) The Heading of the Part: The Illinois Oil and Gas Act
- 2) Code Citation: 62 Ill. Adm. Code 240
- 3) Section Numbers Adopted Action  
240.655 Amend
- 4) Statutory Authority: Implemented and authorized by Sections 6 and 8a of "The Illinois Oil and Gas Act" (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 5409 and 5413)

- 5) Effective Date of Amendments: January 31, 1991

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: January 31, 1991

- 9) Notice of Proposed Amendments Published in Illinois Register:  
14 Ill. Reg. 16205 - October 5, 1990

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version:

- A) In Section 240.655(1), "shut in the well until" has been changed to "shut the well in until" to conform to previously adopted text.

- 12) Have all changes agreed upon by JCAR and the agency been made as indicated in the agreement letter issued by JCAR to the agency? Yes

- 13) Will these Amendments replace an Emergency Amendment currently in effect?  
No

- 14) Are there any amendments pending on this part? Yes

Section Numbers	Proposed Action
240.10	Amend
240.410	Repealed, New Section
240.420	Repealed, New Section
240.430	Repealed, New Section
240.440	New Section
240.450	New Section
240.460	New Section
240.470	New Section

- 15) Summary and Purpose of Rule(s):

This proposed rule corrects an error in the provisions of Section 240.655



## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENTS

as finally adopted, setting forth the mechanical integrity testing requirements for Class II injection wells. The Department originally proposed a 300 PSIG tubing/annulus differential under subsection (e)(1), but reduced it to 50 PSIG in response to public comment. The change was noted in the Department's submission to the Joint Committee on Administrative Rules, but was inadvertently omitted when the final rules were submitted to the Administrative Code Unit.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: John C. Lynch  
Rules Coordinator

Address: 300 W. Jefferson, Suite 300  
P.O. Box 10137  
Springfield, IL 62791-0137

Telephone: (217) 782-0125

The full text of the Adopted Amendments begin on the next page:

## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF ADOPTED AMENDMENT(S)

## TITLE 62: MINING

## CHAPTER I: DEPARTMENT OF MINES AND MINERALS

## PART 240

## THE ILLINOIS OIL AND GAS ACT

## SUBPART A: GENERAL PROVISIONS

Section	
240.10	Definitions
240.20	Prevention of Waste (Repealed)
240.30	Jurisdiction (Repealed)
240.40	Enforcement of Act (Repealed)
240.50	Delegation of Authority (Repealed)
240.60	Right of Inspection (Repealed)
240.70	Right of Access (Repealed)
240.80	Sworn Statements (Repealed)
240.90	Additional Reports (Repealed)
240.100	When Rules Become Effective (Repealed)
240.110	Notice of Rules (Repealed)
240.120	Forms (Repealed)
240.130	Hearings--Notices
240.140	Violations Not Requiring Formal Action
240.150	Notice of Violation
240.160	Director's Decision
240.170	Cessation Order
240.180	Enforcement Hearings
240.190	Temporary Relief
240.195	Subpoenas

## SUBPART B: APPLICATION PROCEDURES AND PERMIT REQUIREMENTS

Section	
240.210	General Provisions
240.220	Application for Permit to Drill, Deepen or Convert Well
240.230	Application for Permit for Geological or Structural Test Hole
240.240	Permits for Salt Water Disposal or for Gas, Air, Water, or other Liquid Input Wells
240.250	Permit Requirements in Mine Areas
240.255	Underground Injection and Disposal
240.260	Application for Approval of Enhanced Recovery Projects
240.270	Application for Approval of Enhanced Recovery Injection and Disposal Operations
240.280	Duration of Underground Injection Well Orders

## SUBPART C: TRANSFER OF OWNERSHIP AND BONDING

Section	
240.305	Transfer of Management



DEPARTMENT OF MINES AND MINERALS

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240.310 When Bonds Required--Amount  
240.320 Kind of Bond--Execution  
240.330 Bond of Manager  
240.340 Bond Form--Approval  
240.350 Surety May Cancel Bond  
240.360 Mining Board May Cancel Bond  
240.370 Casing Puller's Bond

SUBPART D: SPACING OF WELLS

Section  
240.410 General Spacing Rules  
240.420 Secondary Recovery  
240.430 Nonconforming Wells to be Plugged

SUBPART E: DRILLING AND CASING PROCEDURES

Section  
240.510 Rotary Drilling Procedures  
240.520 Cable Tool Drilling Rules  
240.530 Slush and Mud Pits

SUBPART F: PRODUCTION AND INJECTION WELL  
OPERATING REQUIREMENTS

Section  
240.610 Return of Completion Card  
240.620 Well Log to be Filed  
240.630 Contents of Well Log  
240.640 Collection of Drill Cuttings  
240.650 Operating Requirements for Enhanced Recovery Injection and Disposal Wells  
240.655 Mechanical Integrity Testing for Class II Injection Wells  
240.660 Monitoring and Reporting Requirements for Enhanced Recovery Injection and Disposal Wells

SUBPART G: WASTE PROHIBITED

Section  
240.710 Avoidable Waste of Gas  
240.720 Escape of Unburned Gas Prohibited

SUBPART H: PROTECTION OF WORKABLE COAL BEDS

Section  
240.805 Introduction  
240.810 Workable Coal Beds Defined  
240.820 Mining Board may Determine Presence of Coal Seams  
240.830 Well Locations Prohibited

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240.840 Notice to Mining Board  
240.850 Casing and Protective Work  
240.860 Operational Requirements Over Active Mine

SUBPART I: GENERAL LEASE OPERATING REQUIREMENTS AND  
AVOIDANCE OF SURFACE POLLUTION

Section  
240.905 Introduction  
240.910 Disposal in Underground Stratum  
240.920 Disposal in Earthen Pits  
240.930 Pipes to be Kept in Repair  
240.940 Burn Off Pits  
240.950 Lease Tank Reservoirs  
240.960 Fire Hazards at Well Locations  
240.970 Mining Board Supervision  
240.980 Yearly Inspection--of Pits--Revocation of Permits-- Orders for  
Corrective Action and Other Disposal  
240.990 Lease and Well Identification

SUBPART J: VACUUM

Section  
240.1005 Requirements for Use of Vacuum Pumps  
240.1010 Application for Use of Vacuum  
240.1020 Notice and Hearing on Application  
240.1030 Mining Board Authority

SUBPART K: PLUGGING OF WELLS

Section  
240.1105 Plugging of Non-Productive Wells  
240.1110 Mining Board Supervision  
240.1120 When Well to be Plugged  
240.1130 Prior Notice to Mining Board Representatives  
240.1140 Owner to Furnish Well Log  
240.1150 Plugging Methods and Procedures  
240.1160 Converting to Water Well (Repealed)  
240.1170 Restoration of Surface  
240.1180 Extension of Time to Plug Well  
240.1190 Filing Plugging Affidavit

SUBPART L: VALIDITY OF RULES

Section  
240.1200 Severability

SUBPART M: OIL FIELD BRINE HAULING



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Section	Authority, Policy and Purpose
240.1310	Definitions
240.1320	Oil Field Brine Haulers Permit
240.1330	Applications for Brine Hauling Permit Shall Include the Following:
240.1340	Applications for Oil Field Brine Hauling Permits-- Signatures and Authorization
240.1350	Oil Field Brine Hauling Permit Conditions
240.1360	Inspection of Vehicles
240.1370	Transfer of Permits
240.1380	Revocation of Oil Field Brine Hauling Permit
240.1385	Records and Reporting Requirements
240.1390	Bonds--Blanket Surety Bond
240.1395	

AUTHORITY: Implementing and authorized by Sections 6 and 8a of "The Illinois Oil and Gas Act" (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 5409 and 5413).

SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 15 Ill. Reg. 2706, effective January 31, 1991.

SUBPART F: PRODUCTION AND INJECTION WELL  
OPERATING REQUIREMENTS

## Section 240.655 Mechanical Integrity Testing for Class II Injection Wells

- a) The permittee shall contact the well inspector for the county in which the well is located at least twenty-four (24) hours prior to the initial setting or any resetting of the packer in a Class II Injection Well to enable the inspector to be present when the packer is set. Setting of the packer shall be reported on a form prescribed by the Department.
- b) The permittee shall contact the well inspector for the county and schedule an internal mechanical integrity test prior to commencement of injection into:
  - 1) a newly permitted Class II Injection Well;
  - 2) a Class II Injection Well after change to a new, permitted injection zone;
  - 3) a Class II Injection Well after resetting or movement of the packer; and
  - 4) a Class II Injection Well after reactivation from temporary abandonment status.
- c) An internal mechanical integrity test shall be performed under the supervision of a well inspector:
  - 1) prior to initial injection into a newly permitted Class II

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- Injection Well;
- 2) prior to initial injection into a Class II Injection Well after a change to a new permitted injection zone;
  - 3) prior to resuming injection into any Class II Injection Well after any work over of the well involving the resetting or movement of a packer;
  - 4) prior to initial injection into a Class II Injection Well after the well has been reactivated from temporary abandonment status;
  - 5) whenever the Department has reason to believe, based upon well records or field observation, and subject to the provisions of Sections 240.140, 240.150 and 240.170 of this Part, that the Class II Injection Well may be leaking or improperly constructed; and
  - 6) at least once every five (5) years measured from the date of the last successful test.
- d) All Class II Injection Wells not subjected to an internal mechanical integrity pressure test as of the effective date of this Section, shall be tested during the 5 years after the effective date. Each permittee shall conduct an internal mechanical integrity test on at least 20% of the permittee's total untested Class II Injection Wells each year.

## e) Internal Mechanical Integrity (Part I):

The following pressure test shall be performed on Class II Injection Wells to establish the internal mechanical integrity of the tubing, casing and packer of the well.

## 1) Pressure Test

The casing-tubing annulus above the packer shall be tested under the supervision of the Department at a minimum pressure differential between the tubing and the annulus of 300 50 PSIG for a period of 30 minutes. In addition, the casing-tubing annulus starting test pressure shall not be less than 300 PSIG and may vary no more than five (5) percent of the starting test pressure during the test. The well may be operating or shut in during the test.

## 2) Monitoring Test

For those wells which are physically unable to perform the pressure test specified in subsection (e)(1) above because the packer would unseat, but not because the well is improperly constructed, the permittee may make application to perform a monitoring test in lieu of the pressure test on forms prescribed by the Department. An approved monitoring test will consist of pressuring the annulus to a specified pressure no less than 50 PSIG and monitoring the positive annular pressure over a specified period of time. In determining whether to approve a monitoring test, and in establishing the test parameters (i.e., positive annulus pressure, tubing injection pressure, injection rate, monitoring method and length and frequency of monitoring), the Department shall consider well construction including:

- A) The volume of the casing-tubing annulus;



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the effective date of this Section shall be operated until it has demonstrated external mechanical integrity.  
i) If the Department has reason to believe, based upon well records or field observation, that any Class II Injection Well is causing fluid migration into the fresh water resulting from a failure of external mechanical integrity, the permittee shall shut the well in until the well is plugged, converted to a producing well, or until remedial cement work is commenced and completed in accordance with Section 240.650(c) or external mechanical integrity is established in accordance with subsection (g)(4) above.

(Source: Amended at 15 Ill. Reg. 2706, effective January 31, 1991.)

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- B) Depth of packer;
- C) Pressure below the packer; and
- D) Type of tubing and packer.
- f) Any Class II Injection Well which fails an internal mechanical integrity test or on which an internal mechanical integrity test has not been performed when required by subsection (c) above, shall be shut in until the well is plugged, converted to a producing well, or until remedial work is commenced and completed in accordance with Section 240.650(c) and an internal mechanical integrity test is successfully completed.
- g) External Mechanical Integrity (Part II):  
The external mechanical integrity, i.e., outside of the casing, shall be evaluated by the Department to establish that the fresh water and other zones are protected from upward migration of fluids. To establish external mechanical integrity, all Class II injection wells shall have cement placed behind the outermost string of production casing at the depth of the permitted interval of injection (or above the permitted interval but below the next highest injection interval in an open hole completion) to prevent fluid from migrating into the fresh water or other unpermitted intervals. Such cement shall extend:  
1) In any newly drilled Class II Injection Well permitted after the effective date of this Section, at least 250 feet above the top of the permitted interval of injection or the bottom of the casing in an open hole completion.  
2) In any existing production well permitted for conversion to a Class II Injection Well after the effective date of this Section, at least 100 feet above the top of the permitted interval of injection or the bottom of the casing in an open hole completion.  
3) In any existing Class II Injection Well, other than a well referred to in subsections (g)(1) and (g)(2) above, a sufficient distance above the top of the permitted interval of injection or above the bottom of the casing in an open hole completion to prevent upward migration of fluid. In determining the sufficiency of cement, the Department shall consider the amount of cement, the location of the packer and the injection pressure.  
4) If external mechanical integrity, under subsections (g)(1) or (2) above, cannot be demonstrated by cement records or Illinois State Geological Survey record, the permittee may utilize one or more of the following methods to demonstrate External Mechanical Integrity:  
A) Temperature log indicating top of cement.  
B) Conventional acoustic cement bond log with travel time and amplitude clearly marked.  
C) Advanced cement evaluation logs.  
D) Radioactive tracer survey indicating lack of fluid migration behind the casing.  
E) Oxygen-activation log indicating lack of fluid migration behind the casing.  
h) No newly drilled or converted Class II Injection Well permitted after



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## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES
- 2) Code Citation: 89 Ill. Adm. Code 147
- 3) Section Numbers: Adopted Action:  
147.150 Amendment  
147.205 Amendment
- 4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)
- 5) Effective Date of Adopted Amendments: January 30, 1991
- 6) Does this rulemaking contain an automatic repeal date?  
Yes ☐ No ☒
- 7) Do these Adopted Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 30, 1991
- 9) Notice of Proposal Published in Illinois Register:  
August 31, 1990 (14 Ill. reg. 13967)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: In regard to Section 147.150, the amendments identified in this rulemaking were made to an updated data base; that data base was updated effective September 27, 1990, at 14 Ill. Reg. 16669. Also, in Section 147.150(b)(5)(A), "( " was deleted after region.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
147.5	Amendment	December 14, 1990 (14 Ill. Reg. 19653)
147.5	Amendment	January 25, 1991 (15 Ill. Reg. 870)
147.15	New Section	December 14, 1990 (14 Ill. Reg. 19653)
147.25	Amendment	December 14, 1990 (14 Ill. Reg. 19653)
147.25	Amendment	January 25, 1991 (15 Ill. Reg. 870)
147.50	Amendment	December 14, 1990 (14 Ill. Reg. 19653)
147.50	Amendment	January 25, 1991 (15 Ill. Reg. 870)
147.75	Amendment	December 14, 1990 (14 Ill. Reg. 19653)
147.250	New Section	April 13, 1990 (14 Ill. Reg. 5434)
147.250	New Section	September 21, 1990 (14 Ill. Reg. 15243)
147.300	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.305	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.310	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.315	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.320	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.325	New Section	June 15, 1990 (14 Ill. Reg. 9355)



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16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Daniel Leikvold, Staff Attorney  
Office of the General Counsel

Address: Jesse B. Harris Building II  
100 South Grand Avenue East  
Springfield, Illinois 62762-0001

Telephone: (217) 782-1233

The full text of the Adopted Amendments begin on the next page:

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Section Numbers Proposed Action Illinois Register Citation

147.330	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.335	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.340	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.345	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147.350	New Section	June 15, 1990 (14 Ill. Reg. 9355)
147. Table A	Amendment	September 21, 1990 (14 Ill. Reg. 15243)
147. Table C	New Section	January 25, 1991 (15 Ill. Reg. 870)
147. Table D	New Section	January 25, 1991 (15 Ill. Reg. 870)
147. Table E	New Section	January 25, 1991 (15 Ill. Reg. 870)
147. Table F	New Section	January 25, 1991 (15 Ill. Reg. 870)
147. Table G	New Section	January 25, 1991 (15 Ill. Reg. 870)
147. Table H	New Section	January 25, 1991 (15 Ill. Reg. 870)
147. Table I	New Section	January 25, 1991 (15 Ill. Reg. 870)

15) Summary and Purpose of Adopted Amendments: This rulemaking addresses the disparity in reimbursement rates that exists for the kind and quality of services provided long term care residents by calculating the regional mean wages after replacing those wages below the statewide average by 90% of the statewide average.



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## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

## PART 147

REIMBURSEMENT FOR NURSING COSTS FOR  
GERIATRIC FACILITIES

Section 147.5	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities
147.25	Functional Needs and Restorative Care
147.50	Service Needs
147.75	Definitions
147.100	Reconsiderations
147.105	Midnight Census Report
147.125	Times and Staff Levels
147.150	Statelwide Rates
147.175	Referrals
147.200	Basic Rehabilitation Aide Training Program
147.205	Nursing Rates
147.250	Costs Associated with the Omnibus Budget Reconciliation Act of 1987
147.300	Determination of Program (Specialized Services) Costs (Emergency Expired)
140.305	Specialized Service Requirements for Individuals With Mental Illness in Residential Facilities (Emergency Expired)
147.310	Inspection of Care (IOC) Review Criteria for the Evaluation of Specialized Services in Residential Facilities for Individuals with Mental Illness (Emergency Expired)
147.315	Comprehensive Functional Assessments and Reassessments (Emergency Expired)
147.320	Interdisciplinary Team (IDT) (Emergency Expired)
147.325	Comprehensive Care Plan (CCP) (Emergency Expired)
147.330	Specialized Care - Administration of Psychopharmacologic Drugs (Emergency Expired)
147.335	Specialized Care - Behavioral Emergencies (Emergency Expired)
147.340	Discharge Planning (Emergency Expired)
147.345	Reimbursement for Program Costs in Nursing Facilities Providing Specialized Services for Individuals with Mental Illness (Emergency Expired)
147.350	Reimbursement for Program Costs in Nursing Facilities Providing Active Treatment for Individuals with Developmental Disabilities (Emergency Expired)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Section  
TABLE A  
TABLE B

Staff Time and Allocation by Need Level  
Staff Time and Allocation for Restorative Programs

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140. Table H and 140. Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## Section 147.150 Statewide Rates

- a) This Section will become effective January 1, 1987. 89 Ill. Adm. Code 140.905 will no longer be utilized for determining reimbursement rates as of January 1, 1987.
- b) Per diem reimbursement rates for nursing care in intermediate and skilled care facilities consist of six elements: variable time reimbursement, training time reimbursement, fixed time reimbursement, fringe benefit reimbursement, and reimbursement for allowable costs of supplies, consultants, medical and nursing directors, and therapies.
  - 1) Variable Time Reimbursement. Variable nursing



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## NOTICE OF ADOPTED AMENDMENTS

## Section 147.150 Statewide Rates (Cont'd)

time is that time necessary to meet the major service needs of residents which vary due to their physical or mental conditions. Each need level or specific nursing service measured by the Resident Assessment Instrument is associated with an amount of time and staff level (Sections 147. Table A and 147. Table B). Reimbursement is developed by multiplying the time for each service by the wage(s) of the type of staff performing the service except for occupational therapy, physical therapy and speech therapy. If more than one level of staff are involved in delivering a service, reimbursement for that service will be weighted by the wage and number of minutes allocated to each staff type. When a service can be provided by either an RN or an LPN, the wage used will be weighted by the average mix of RNs and LPNs in the sample of facilities used to set rates.

A) Determination of wages. In calculating the rate, the figures used by the Department for "wages" will be determined in the following manner:

- i) The mean wages for the applicable staff levels (RN's, LPN's, Nurse Aides) as reported on the cost reports and determined by geographical location will be the base.
- ii) Fringe benefits and payroll taxes will be calculated according to the statewide ratio of fringe benefits and payroll taxes to total wages measured from the sample of facilities used to set rates;
- iii) The resulting fringe benefits and payroll taxes will be added to the base;
- iv) This new total will then be updated for inflation from the time period for which the wage data are available to the midpoint of the rate year to recognize projected wage changes. The wage inflation rate used to update

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## NOTICE OF ADOPTED AMENDMENTS

## Section 147.150 Statewide Rates (Cont'd)

wages will be determined by comparing the historical change in nursing home wages in Illinois between 1976 and the time the latest wage information is available to the change in the DRI average hourly earnings, production workers for nursing and personal care facilities index for the U.S. for the same period.

v) The resulting ratio will be applied to the projected change in the Data Resources Incorporated (DRI) average hourly earnings, production workers for nursing and personal care facilities for the U.S. between the cost report year and the midpoint of the rate year. This yields a wage inflation rate which will be applied to the total described in subsection (c) to produce total wages by applicable staff levels and geographic location.

vi) Special minimum wage factor. For the period July 1, 1990, through June 30, 1991, the Department will modify the process used in subsection (b)(1)(A)(i) to determine regional mean wages for Registered Nurses (RN), Licensed Practical Nurses (LPN) and nurse aides to include a minimum wage factor. For those homes below the statewide average the wage is replaced by 90% of the statewide average.

B) Determination of Times and Staff Levels. The times and staff levels have been assigned by a panel of administrators and nurses active in long term care. Prior time/motion studies were used to assist the panel. These times will be reviewed periodically to insure that they accurately reflect nursing practice in the State.

## 2) Training Time Reimbursement

Training Time Reimbursement is determined by



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## Section 147.150 Statewide Rates (Cont'd)

assessed need for training, the time allotted for training and the wage rates for licensed and nurse aide staff during the rate year.

- 3) Fixed Time Reimbursement. Fixed or indirect nursing time is that time which does not vary with resident condition or which cannot be measured by an assessment tool. It includes such items as staff meetings, supervision, "downtime", checking physicians' orders and time spent with residents which does not vary with condition. A statewide sample of residents will be used to determine "fixed" time. The mean variable time will be computed for the sample for each level of care, and this amount subtracted from Department of Public Health Minimum Staffing Ratios plus 5% for each level of care. (Department of Public Health Minimum Staffing Ratios, which are measured in terms of time, can be found in 77 Ill. Adm. Code 300.1230). Once the "fixed" time has been determined, the minutes will be weighted at 20% licensed and 80% unlicensed time and multiplied by the appropriate wage. This amount will be added to variable time for each resident in the sample. If fixed time is less than zero minutes, then it will equal zero.

- 4) Vacation, Sick Leave and Holiday Time. The time to be added for vacation, sick leave and holidays will be determined by multiplying the sum of Variable and Fixed Time by 5%. This time will then be weighted by 80% unlicensed and 20% licensed wages to determine the amount to be added to the rate for these benefits.

- 5) Special Supplies, Consultants and the Director of Nursing.

Finally, amounts will be added for health care and program supplies, consultants required by Department of Public Health (including the Medical Director), and the Director of Nursing. (A list of consultants required by the Department of Public Health can be found in 77 Ill. Adm. Code 300.830).

- A) Supplies will be updated for inflation using

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 147.150 Statewide Rates (Cont'd)

the General Services Inflator (see 89 Ill. Adm. Code 140.551). A standard amount by level of care will be allocated for supplies. This amount will be determined based on the ratio of median updated supply costs by region to median costs for variable and fixed time by level of care (SNF/ICF) by region).

- B) The same analysis will be used to determine an amount for Consultants (including Medical Director) and the Director of Nursing. However, these costs will be updated with the wage inflation rate.

- 6) Therapies. Reimbursement for physical therapy, occupational therapy, and speech therapy will not be based upon individual resident need assessments, but upon the total therapy program days the facility provided to Medicaid residents over the six-month period prior to and including the resident assessment date. These therapy days, by therapy type and level (see Table H) will be associated with staff time per day as shown in Table H and staff wages to produce a per diem rate for each of the three therapy types.

## c) Determination of Facility Rates.

- 1) The rate each facility receives will be determined by the assessed needs of residents the facility serves. Effective January 1, 1990, nurses from Department of Public Aid (DPA) will conduct an assessment of 100% of the Medicaid residents by level of care in each home annually. The inspection of care (IOC) assessment will be conducted concurrently with the QUIP assessment if the facility chooses to participate in QUIP. The assessment will be conducted during the four month period prior to the annual nursing IOC rate adjustment date. The needs of the residents in the sample will be assessed with the Resident Assessment Instrument. An amount for each resident will be calculated by multiplying the number of minutes from the assessment by the appropriate wage/wages for each assessment item (see (a) above), adding



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 147.150 Statewide Rates (Cont'd)

the appropriate amount for fixed time (see (b) above) and amounts for vacation, sick and holiday time (see (c) above), supplies, consultants, and the Director of Nursing, (see (d) above). The average of the rates for residents assessed will become the facility's per diem reimbursement rate for each Medicaid patient in the facility effective on the facility's annual nursing IOC rate adjustment date.

- 2) A copy of the Resident Assessment will be left with the facility upon completion.

- d) Adjustment in Instrument. Residents assessed as being in need of a service but is not receiving the required service will be scored solely as need not met.

- e) An interim IOC may be requested by a facility by notifying, in writing, the Bureau of Long Term Quality Care Bureau Chief within 180 days of the exit date of the last IOC. The following criteria shall be met before a request for an interim IOC can be made. A 25% or greater turnover in Medicaid residents since the last IOC or there has been a 7% or greater increase in the average per patient care time. The request for the interim IOC shall contain a full explanation of why the facility meets the criteria and must include any documentation relevant to the request. The facility will be notified within 45 days from the date the request is received of whether an interim IOC will be conducted. If approved, the Bureau will conduct a full IOC within 60 days of the written approval decision. Upon reassessment, an amended 2700 will be forwarded to the DPA. Upon receipt of the amended 2700 the facility's rate will become effective for the final six months of that facility's rate year.

- f) If the interim IOC is scheduled to take place during the period when the next annual IOC is scheduled, only one IOC will be done. The rate that results will apply for the 18 month period which begins with the effective date of the interim IOC rate.

(Source: Amended at 15 Ill. Reg. 2715, effective January 30, 1991)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 147.205 Nursing Rates

For residential nursing services provided to Medicaid residents in skilled and intermediate care facilities from January 1, 1989, and thereafter, the Department will determine nursing rates according to the following four steps:

- a) Calculation of preliminary the nursing rate: For each facility, a preliminary the nursing rate will be computed according to the methods specified in Section 147.150(b), employing reimbursable staff times as specified in Section 147. Tables A and B for all assessment items.

- b) Calculation of minimum-nursing-rate--For each facility, a minimum-rate will be computed as the sum of the preliminary-nursing-rate (see Section 147.205(a) above) and sixty percent of the difference between the preliminary-nursing-rate and the nursing rate paid over the previous rate period--If the preliminary-nursing-rate is greater than the nursing rate paid over the period July-17-1989 through December-31-1989, the minimum-rate will equal the preliminary-nursing-rate.

- c) Calculation of new-computed the final nursing rate: for each facility, a new-computed-final nursing rate will be equal to the sum of the preliminary-nursing rate (see Section 147.205 subsection (a) above) plus a regionally-adjusted-factor an add on for Care Planning equal to \$1.50 thirty-five (35¢) per resident day, statewide. The regional-adjustment will be performed by multiplying \$1.50 per resident-day by the ratio of HSA-(Health-Services-Area)-see-Section-140-Table-B)-area-wage-rates-to-State-wage-rates-for-a-weighted staff-mix-of-20-percent-licensed-and-80-percent-unlicensed-direct-care-staff--Wage rates are computed according to Section 147.150(b)(1).

- d) Calculation of final-nursing-rate--For each facility the final-nursing-rate-for-residential-services will be the greater-of-the minimum-nursing-rate (see Section 147.205(b) above) or the new-computed-nursing rate (see Section 147.205(c) above).

(Source: Amended at 15 Ill. Reg. 2715, effective January 30, 1991)



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Entries and Declarations
- 2) Code Citation 11 Ill. Adm. Code 1312
- 3) Section Number: Adopted Action:  
1312.265 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 8, par 37-9(b)
- 5) Effective Date of Rule: February 5, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: February 5, 1991
- 9) Notice of Proposal Published in Illinois Register:  
14 Ill. Reg. 14750 - September 14, 1990
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)?  
No.
- 11) Differences between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were required.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No.
- 15) Summary and purpose of rules: This rulemaking will amend the current Uncoupled Entries rule to provide specific criteria in which entries can be uncoupled as well as reflect the current policies used at Illinois racetracks with respect to gimmick and exotic races.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board  
Legal Department  
State of Illinois Center  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER f: RULES AND REGULATIONS OF HARNES RACING

## PART 1312

## ENTRIES AND DECLARATIONS

Section	
1312.10	Entries
1312.20	Penalties
1312.30	Sale of Horse With Entrance Due
1312.40	Receipt of Entries
1312.50	Postage Meter
1312.60	Deviation From Published Conditions
1312.70	When Ineligible Horse Races
1312.80	Transfer of Ineligible Horse
1312.90	Withholding Purse When Ineligible Horse Races
1312.100	Early Closing and Late Closing Events
1312.110	Subsequent Payments
1312.120	Trust Funds
1312.130	Stable Space
1312.140	Limitation on Conditions
1312.150	Penalties
1312.160	Excess Entry Fees
1312.170	Entries and Starters Required
1312.180	Elimination Heats
1312.190	Elimination Plans
1312.200	Overnight Events
1312.210	Entry Box and Drawing of Horses
1312.220	Substitute Races
1312.230	Drivers
1312.240	Declaration and Withdrawing
1312.250	Qualifying Races
1312.260	Entry or Coupling
1312.265	Uncoupled Entries
1312.270	Husband-Wife Entries
1312.280	Also Eligibles
1312.290	Preference
1312.300	Stewards' List
1312.310	Medical Reasons for Ineligibility

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended July 12, 1974, filed July 22, 1974; amended February 13, 1976, filed March 1, 1976; amended September 19, 1975, filed October 2, 1975; amended at 4 Ill. Reg. 9, p. 251, effective February 20, 1980;



## ILLINOIS REGISTER

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Entries, Subscriptions and Declarations2) Code Citation 11 Ill. Adm. Code 14133) Section Number:  
1413.48  
Adopted Action:  
Amendment4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 8, par 37-9(b)5) Effective Date of Rule: February 5, 19916) Does this rulemaking contain an automatic repeal date? No7) Does this amendment contain incorporation by reference? No.8) Date filed in Agency's Principal Office: February 5, 19919) Notice of Proposal Published in Illinois Register:

14 Ill. Reg. 12385 - August 3, 1990

10) Has JCAR issued a Statement of Objections to this (these) rule(s)?  
No.11) Differences between proposal and final version: "Must" was changed to "shall" in Section 1413.48.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.13) Will these amendments replace emergency amendments currently in effect? No.14) Are there any other proposed amendments pending in this Part? No.15) Summary and purpose of rules: This rulemaking will amend the current Uncoupled Entries rule to provide specific criteria in which entries can be uncoupled as well as reflect the current policies used at Illinois racetracks with respect to gimmick and exotic races.16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board  
Legal Department  
State of Illinois Center  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

## ILLINOIS REGISTER

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT(S)

amended at 4 Ill. Reg. 21, p. 85, effective May 9, 1980; amended at 5 Ill. Reg. 1498, effective February 2, 1981; codified at 5 Ill. Reg. 10934; amended at 15 Ill. Reg. 2727, effective February 5, 1991.

## Section 1312.265 Uncoupled Entries

~~in--allowance--handicap--and--stakes--races;--a~~ Any entry of separate ownership may be uncoupled with permission of the stewards. Such permission shall not be granted with respect to guineas and perfectas unless fields of six betting interest (five if there is a late scratch) are created. In no event shall such permission be granted in any race on which trifecta wagering is conducted, unless said race is a stakes race and at least 7 separate betting interests start. ~~provided--that--such--permission--shall--not--be--granted--when--to--do--so--would--create--more--than--eight--separate--betting--interests--in--no--event--shall--such--permission--be--granted--in--any--race--on--which--guineas--perfectas--or--trifecta--wagering--is--conducted.~~

(Source: Amended at 15 Ill. Reg. 2727, effective February 5, 1991.)



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING (THOROUGHBRED)

## PART 1413

## ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS

Section	
1413.10	Registration with Jockey Club
1413.20	Registration Rules
1413.30	Eligibility
1413.40	How Entries are Made
1413.42	Number of Entries
1413.44	48 Hour Entries -- Passed 6/11/73
1413.46	Also Eligibles Under 48 Hour Rule
1413.48	Uncoupled Entries
1413.50	Racing Secretary Receives Entries
1413.60	Supervision of Entries
1413.70	When Entries Close
1413.75	Limitation on Purse Reductions
1413.80	Closing in Absence of Conditions
1413.90	Entry by Telegraph
1413.100	List of Entries
1413.114	Coupled As Entry
1413.118	Further Definition of Coupling
1413.120	Riders Designated
1413.130	Carding Purse and Handicap Races
1413.134	Race Fails to Fill
1413.138	Substitute and Extra Races
1413.140	Right to Declare Out
1413.150	Number of Entries
1413.160	Fee to Enter
1413.170	Refunds
1413.180	Error in Entry
1413.190	Irrevocable Declaration
1413.200	Notice of Declaration
1413.210	Entry of Unfit Horse
1413.220	Refusal for Inconsistency
1413.230	Horse Ineligible
1413.240	Who May Enter
1413.250	Medical Reasons for Ineligibility
1413.260	Sweepstakes Entries
1413.265	Receipt for Nomination
1413.270	Previous Engagements
1413.280	Transfer of Engagements
1413.290	Transfer of Sweepstakes Engagements
1413.300	Jockey Club Certificates
1413.305	Transfer of Jockey Club Certificate

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT(S)

1413.310 Number of Races in a Day

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); passed July 11, 1972; amended April 11, 1974, filed and effective April 30, 1974; passed June 11, 1974 amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; added August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 15 Ill. Reg. 2730, effective February 5, 1991.

## Section 1413.48 Uncoupled Entries

~~in allowance, handicap and stakes races, any entry of separate ownership may be uncoupled with permission of the steward. Such permission shall not be granted with respect to guineas and perfectas unless fields of six betting interest (five if there is a late scratch) are created. In no event shall such permission be granted in any race on which trifecta wagering is conducted, unless said race is a stakes race and at least 8 separate betting interests start. Post time delay due to scratches is limited to ten minutes and notification of this limitation must be published in the official program. provided that such permission shall not be granted when to do so would create more than eight separate betting interests in no event shall such permission be granted in any race on which quinella perfecta, netfecta wagering is conducted.~~

(Source: Amended at 15 Ill. Reg. 2730, effective February 5, 1991)



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Pari-Mutuels
- 2) Code Citation 11 Ill. Adm. Code 405
- 3) Section Number:  
405.250  
Adopted Action:  
New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 8, par 37-9(b)
- 5) Effective Date of Rule: February 5, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: February 5, 1991
- 9) Notice of Proposal Published in Illinois Register:  
14 Ill. Reg. 12389 - August 3, 1990
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)?  
No.
- 11) Differences between proposal and final version: Line 1 - "must" was changed to "shall". Line 3 - "must" was changed to "shall".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, see attached.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No.
- 15) Summary and purpose of rules: This rulemaking establishes the requirements for immediate notification to the state stewards in the event of a failure of audio or video equipment.
- 16) Information and questions regarding these adopted amendments shall be directed to:  
Illinois Racing Board  
Legal Department  
State of Illinois Center  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 405

PARI-MUTUELS

Section	
405.10	State Director of Mutuels
405.20	Duties of the State Director of Mutuels
405.30	Mutuel Department Operations
405.40	Mutuel Employees
405.50	Totalizator (Repealed)
405.55	No Wagering After Start
405.60	Odds Board Control (Repealed)
405.70	Odds Board Update (Repealed)
405.80	Records of All Calculations
405.90	Number of Pari-Mutuel Races
405.100	Ticket Windows
405.110	Sale of Pari-Mutuel Tickets
405.120	Minimum Ticket Price
405.130	Minimum Pay-Off -- Minus Pools -- Surcharges
405.140	Payments
405.150	Report Scratches
405.160	Number of Pools
405.170	Multiple Wagering Pools (Repealed)
405.180	Failure of Starting Gate
405.190	Horses Scratched
405.200	"Official" Sign Final
405.210	Minors Barred
405.220	Lost Tickets
405.230	Mutilated or Altered Tickets
405.240	Information Window
405.250	System Failure

**AUTHORITY:** Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b)).

**SOURCE:** Adopted at 4 Ill. Reg. 38, effective September 8, 1980; codified at 5 Ill. Reg. 10886; emergency amendment at 8 Ill. Reg. 22142, effective October 31, 1984, for a maximum of 150 days, amended at 11 Ill. Reg. 12375, effective July 18, 1987; amended at 12 Ill. Reg. 206, effective December 23, 1987; amended at 14 Ill. Reg. 11310, effective July 3, 1990; amended at 14 Ill. Reg. 17646, effective October 16, 1990; amended at 15 Ill. Reg. 2733, effective February 5, 1991.

**Section 405.250 System Failure**



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT(S)

Any failure of video or audio equipment at any facility shall be reported immediately to the state stewards at the host track and the general manager at all affected facilities. The general manager shall file a written report with the State Director of Pari-Mutuels no later than 7 days thereafter detailing the reason for the failure.

(Source: Added at Ill. Reg. 2733, effective February 5, 1991)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Totalizator Operations

2) Code Citation 11 Ill. Adm. Code 433

3) Section Number: Adopted Action:

433.35 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 8, par 37-9(b)

5) Effective Date of Rule: February 5, 1991

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No.

8) Date filed in Agency's Principal Office: February 5, 1991

9) Notice of Proposal Published in Illinois Register:

14 Ill. Reg. 12393 - August 3, 1990

10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No.

11) Differences between proposal and final version: Subsection (a) line 1 - "must" changed to "shall". Subsection (b) line 1 - "must" changed to "shall".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other proposed amendments pending in this Part? No.

15) Summary and purpose of rules: This rulemaking establishes specific procedures to be followed in the event of a failure in the totalizator system. It sets the requirement for a written report to the State Director of Mutuels and the notification of all affected parties.

16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board  
Legal Department  
State of Illinois Center  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

## PART 433

## TOTALIZATOR OPERATIONS

## SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section	
433.10	Definitions
433.15	Purpose
433.20	Pari-Mutuel Audit Unit
433.25	Access to Totalizator and Pari-Mutuel Facility
433.30	Work Area for Pari-Mutuel Auditors
433.35	Systems failure
433.45	Waivers for Scientific Advancements
433.50	Filing
433.55	Standards

## SUBPART B: PROCEDURES AND REPORTS REQUIRED OF ORGANIZATION LICENSEES

Section	
433.60	Cashed Tickets
433.70	Summary of Pari-Mutuel Operations

## SUBPART C: MUTUEL TICKETS

Section	
433.100	Marketing of Tickets
433.110	Status of Outs Account
433.120	Cancellation of Tickets
433.140	Computer Print-Outs
433.145	Additional Method of Calculation

## SUBPART D: MUTUEL FACILITIES; TICKETS; SPECIFICATIONS REQUIREMENTS AND PROCEDURES

Section	
433.200	No Reduction in Capacity
433.210	Totalizators
433.220	Final Confirmation
433.230	Status Report
433.240	Locking Devices
433.250	Control of Locking Devices
433.260	Accounting for Individual Tickets
433.270	Tickets

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT(S)

433.280 Security for Tote Equipment  
 433.290 Access to Tote Room

## SUBPART E: TOTALIZATOR SYSTEM: SYSTEM REQUIREMENTS

Section	
433.300	General System Requirements
433.310	Redundant Capabilities
433.320	Redundant Hardware
433.330	Stop Betting Command
433.340	Record of Stop Betting Command
433.350	Odds Board Control
433.360	Odds Update
433.370	Retention of Racing Program Data
433.380	Control Access to Tote Computer Equipment
433.390	Software
433.400	Provide Summary
433.410	Unique Ticket Number
433.420	Uncashed Tickets
433.430	Computer Produced Reports
433.440	Magnetic Log Files
433.450	Security Sub-System
433.460	Power Fluctuations
433.470	Two Independent Sets of Pool Totals
433.480	Loss of Communications Reports
433.490	Cancellations

## SUBPART F: TOTALIZATOR SYSTEM: PROCEDURAL REQUIREMENTS

Section	
433.500	General Procedural Requirements
433.510	Pre-program Tests
433.520	Totalizator Programs
433.530	Duplicate Copy of Totalizator Programs
433.540	Notice of Software Modifications
433.550	Testing of Software Modifications
433.560	Controlling System Utilities
433.570	Access to Tote Room
433.580	Control Log
433.600	Back-Up Procedures
433.610	Shut-down Procedures

AUTHORITY: Implementing Section 15 and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b)), 37-15).

SOURCE: Adopted at 11 Ill. Reg. 12380, effective July 18, 1987; amended at 15 Ill. Reg. 2736, effective February 5, 1991.



## Section 433.35 System Failure

if--for--any--reason--during--the--course--of--a--racing--program--the--totalizator system--is--unable--to--record--wagers--received--from--the--public--and/or--guarantee--the integrity--of--the--Pari-Mutuel--pools--the--totalizator--system--licensee--shall advise--the--Mutuel--Manager--who--shall--then--immediately--notify--the--Pari-Mutuel Auditor--and--the--stewards--the--totalizator--system--licensee--shall--immediately give--such--advice--the--totalizator--system--licensee--shall--keep--the--Pari-Mutuel Auditor--advised--of--its--efforts--to--correct--the--problem--and--if--said--licensee--is unable--to--correct--the--problem--it--shall--so--advise--the--PMA--After--consultation with--the--General--Manager--the--stewards--shall--order--the--cancellation--of--wagering for--that--program--and--the--refund--of--the--affected--wagers--the--stewards--after consultation--with--the--General--Manager--or--his--designee--shall--also--have--the authority--to--permit--some--or--all--of--the--remaining--races--to--be--contested--as betless--exhibitions--having--taken--into--consideration--factors--such--as--but--not limited--to--the--purses--and--the--amount--of--wagering--and--the--time--required--to make--repairs--to--the--totalizator--system;

a) Any failure of tote equipment at any facility shall be reported immediately to the state stewards, pari-mutuel auditor and the mutuel manager for the host track involved and the general manager at all affected facilities. The totalizator system licensee shall keep the state stewards and the pari-mutuel auditor advised of the efforts to correct such failure. If it is determined that the failure cannot be corrected, the stewards shall order a cancellation of wagering for that program and the refund of affected wagers. The stewards shall have the authority to permit some, or all of the remaining races to be contested as non-wagering exhibitions, having taken into consideration factors such as, but not limited to, the purse, the amount of wagering, and the time required to repair the totalizator system.

b) The general manager at all affected facilities shall file a written report with the State Director of Pari-Mutuels no later than 7 days thereafter detailing the reasons for the failure.

(Source: Amended at 15 Ill. Reg. 2736, effective February 5, 1991)

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Vending Facility Program for the Blind
- 2) Code Citation: 89 Ill. Adm. Code 650
- 3) Section Numbers:

650.10	new section
650.20	new section
650.30	new section
650.40	new section
650.50	new section
650.60	new section
650.70	new section
650.80	new section
650.90	new section
650.100	new section
650.110	new section
650.120	new section
650.130	new section
650.140	new section
650.150	new section
650.160	new section

Adopted Action:
- 4) Statutory Authority: Implementing the Randolph-Sheppard Vending Stand Act (20 U.S.C. 107) and authorized by "AN ACT in relation to the operation of vending facilities on public and private property by blind persons, and to repeal certain acts herein named," (Ill. Rev. Stat. 1989, ch. 23, pars. 3331 et seq.)
- 5) Effective Date of Rule: February 5, 1991
- 6) Does this rulemaking contain an automatic repeal date?  
Yes ☒ No ☐
- 7) Does this rule contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: February 4, 1991
- 9) Notice of Proposal Published in Illinois Register:  
May 4, 1990, 14 Ill. Reg. 6683  
(issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:



DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED RULES

Section 650.20(d), the words "for each new facility" were added at the end of the paragraph. The word "first" was deleted.

Section 650.20(e), stated that DORS holds title to equipment and initial stock, however title may be voluntarily assumed by a vendor per 34 CFR 395.6.

Section 650.20(i), was clarified to state:

"This determination will be based upon conditions of management and operation (e.g. the facility requires cash pick up or other security at diverse hours, or the facility has employees on many shifts where supervision is needed), volume of merchandise sold (e.g. a facility which has several peak sales points daily),..."

Section 650.20(m), revised to clarify. "When appropriate (e.g. a vendor's attendance would be inappropriate when building management requests that a vendor not be present, or when building management will be assessing a vendor's abilities to carry out the permit or contract)..."

Section 650.20(n), New. States: "ensure all program equipment is maintained in good repair and attractive condition per 34 CFR 395.10".

Section 650.20(o), New. States: "distribute and use income from vending machines on federal property per 34 CFR 395.8".

Section 650.30(c)(7), the words "and the provisions" are changed to "and any provisions".

Section 650.40(a), the text "and be operating a facility" is added after "active license".

Section 650.70(b)(2) was rewritten as follows:

"This determination will be based upon the individual's personality (e.g. the individual's ability to get along with the public and fellow workers), performance during on-the-job training, and motivation (e.g. attendance, how well he/she

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A) Statement of Objection: (issue date), Ill. Reg. \_\_\_\_\_

B) Agency Response: (issue date), Ill. Reg. \_\_\_\_\_

C) Date Agency Response Submitted for Approval to JCAR:

11) Difference(s) between proposal and final version:

I. Changes made in accordance with Administrative Code Division comments.

Section 650.10 - The indent level was moved to the right 5 spaces.

Section 650.100(c) - line 3 - The long title "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" was used for the Act, as there is no short title.

The reference in the next Act was corrected to "AN ACT to provide for the licensing and regulation of food service establishments in counties of over 500,000 population and providing penalties for violation thereof".

In reference to 77 Ill. Adm. Code 750, the heading of the Part was changed to "Food Service Sanitation Code".

In reference to 77 Ill. Adm. Code 760, the heading of the Part was changed to "Retail Food Stores Sanitation Code".

II. Text and location of changes made during the first notice period:

Section 650.10 - The language "except such items purchased by a vendor" was added to the definition of "Program Assets".



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accepts direction, willingness to alter behavior)."

Section 650.80(d), added "or terminated" to the last line and in subsection (f) added the last sentence to clarify that an inactive license may be terminated if the vendor takes no action to activate the license.

Section 650.90(d)(4), changed the second sentence to read: "Information from proposed disciplinary actions and grievances of them shall also be made available".

Section 650.90(b). Omitted the phrase "with active licenses" to clarify that notifications of facility openings will be sent to all vendors.

Section 650.100(q) and (s) were clarified. Subsection (q) applies to a vendor's conduct with building management and the words "and the public" are removed. Subsection (s) applies to a vendor's conduct with customers and the public, and the words "building personnel" are removed.

Section 650.100(c). The Acts referred to now use the appropriate title, per guidance from the Administrative Code Division. In addition the Part headings for 77 Ill. Adm. Code 750 and 760 referred to in this subsection were changed to their appropriate titles.

Section 650.110(c)(1), the first two sentences, were revised to:

"An oral reprimand is a discussion in person or by telephone between the vendor and the lead vendor, in a multi-vendor facility, business counselor, Supervisor, and/or the Supervisor of Support Services. An oral reprimand must occur within five days of any Program staff member's or lead vendor's (in the case of a multi-vendor facility reprimand by a lead vendor) knowledge of an incident which occurred within the last 30 days."

Section 650.110(c)(3)(A) was revised by changing the term "written reprimand" to "written report".

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Section 650.110(d)(4) was changed to state: "One year from the date of reprimand, the reprimand will be removed from the vendor's personnel file and sent to the vendor."

Section 650.130(a) was changed to state: "A suspension shall be grieved by appealing directly to Level II".

Section 650.130(c)(11) was changed to state: "DORS will make an audio tape recording of the proceedings and will provide the vendor with one copy upon request, at no cost. Upon request by a vendor, a braille or large print transcript will be provided at no cost."

Section 650.130(d)(3) was changed to state: "The vendor may request a reader, which DORS shall provide at its expense if it is necessary. Either brailled, large print or audio material, at the vendor's request, will be used as required."

Section 650.140(a) was revised by changing the term "net income" to "net proceeds".

Section 650.150(a)(1) and (2) were revised to five facility business days.

Pursuant to discussions with the Joint Committee regarding the above-referenced rulemaking, the Department of Rehabilitation Services has agreed:

## III.

To define "34 CFR 395" in Section 650.10. The cite is as follows:

"34 CFR 395" is the citation to the federal regulations for the Randolph-Sheppard Act. All references refer to the 1986 edition, and no later editions or amendments are included.

To insert", (based on factors such as space, anticipated income, rent or commissions required, or competition in the vicinity), after "suitable sites" in Section 650.20(c).



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- To change "will" to "shall" in Section 650.20(i).
- To delete "when appropriate" in Section 650.20(m).
- To modify Section 650.30(a)(5) by adding "per Section 650.70" after "certified".
- To delete "including those" in Section 650.30(c)(2)..
- To modify Section 650.30(c)(5) by adding "program" in front of personnel and by adding "(e.g. advise concerning loss control, security, equipment maintenance and repair and customer relations)" after "agency".
- To modify Section 650.60(a)(1) by adding, "per Subchapter b," after "VR client" and changing "orientation" to "introduction".
- To add "and" to combined (D) which is eliminated and deleting "satisfactorily" in Section 650.60(b)(2)(C).
- To change "must" to "shall" in Section 650.60(c)(2).
- To modify Section 650.70(d)(2) by adding "in specific area" after "programs" and adding "program staff prior to attendance" after "authorized by" and deleting "DORS in the specific area".
- To modify Section 650.80(a) by changing "three" to "two" and deleting "inactive".
- To modify Section 650.80(d) by adding "by the Supervisor" after "will be reviewed", "or terminated" after "renewed" and "Notification will be made by the Supervisor to the vendor in writing." at the end of Section 650.80(d).
- To change "will" to "shall" in Section 650.70(b)(2).
- To modify Section 650.80(f) by adding "inactive" after "activate" and changing "will" to "shall".
- To modify Section 650.90(b) by adding "per Section 650.70(a)" after "training".

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- To modify Section 650.90(c) by adding, "per Section 650.70(a)" after "graduate of training" and "In the event an agreement cannot be reached by DORS and the ICBV Chair each shall select a vendor." as the last sentence of the Section.
- To change "will" to "shall" in Sections 650.90(c)(1), 650.90(c)(3), 650.90(c)(4), 650.90(d)(4) and 650.90(k).
- To modify Section 650.90(c)(2)(G) by "developed by Program staff" after "questions".
- To change "will" to "shall" in Section 650.90(d)(4).
- To change "will" to "shall" in Section 650.90(k).
- To change "will" to "shall" in Sections 650.100(a), (b), (c), (d), (f), (g), (h), and (i).
- To modify Section 650.100(j) by adding "56 Ill. Adm. Code, Chapter 1, subchapter b, Regulation of Working Conditions" after "Labor rules".
- To change "will" to "shall" in Sections 650.100(k) through 650.100(y).
- To change "may" to "shall" in Section 650.110(c)(1).
- To modify Section 650.110(c)(3) by adding "the vendor's" after "vendor's comments" and deleting "his/her".
- To change "will" to "shall" in Section 650.110(c)(3).
- To modify Section 650.110(c)(3)(A) by adding "working file on discipline" after "report in a" and deleting "file", Section 650.110(c)(3)(C) by adding "working file on discipline" after "The" and deleting "file"; and Section 650.110(c)(3)(D) by adding "working file on discipline" after "reprimand in the".
- To change "will" to "shall" in Sections 650.110(d)(1), 650.110(d)(4), 650.110(e)(1), and 650.110(e)(2).



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To modify Section 650.110(d)(3)(C) by adding "existing" after "any".

To change "will" to "shall" in Sections 650.110(d)(4), 650.110(e)(1) and 650.110(e)(2).

To modify Section 650.110(e)(3) by changing "may" to "shall".

To change "can" to "shall" in Section 650.110(e)(5) and Section 650.110(f)(1).

To change "will" to "shall" in Section 650.110(f)(1)(D).

To modify Section 650.110(f)(2) by adding "gross" before "profit" and "(i.e. the ratio of cost of goods to net sales)" after "profit"; deleting first "percentage" in the first sentence; adding "written" after "shall make"; and adding "gross" after "actual".

To change "will" to "shall" in Section 650.110(g)(1).

To modify by adding "(e.g. paying personal bills, buying personal property and taking stock or equipment home)" at the end of Section 650.110(g)(1)(F).

To change "will" to "shall" in Section 650.110(g)(2).

To change "will" to "shall" in Sections 650.120(a) and 650.120(c).

To change "observe" to "obey" in Section 650.120(c)(5).

To modify Section 650.120(c)(4) by adding "(e.g. scheduled doctor's appointment, family obligation, transportation problems)" to modify Section 650.120(c)(6) by adding "classroom" after "attend".

To delete "approved" and add "provided" after "uniform" in Section 650.120(c)(8).

To change "will" to "shall" in Section 650.120(d).

To delete "excessive" in Section 650.120(d)(3).

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To change "will" to "shall" in Section 650.120(e).

To change "contain" to "cite" in Section 650.130(b)(2).

To modify Section 650.130(c)(2) by adding "hearing officer at the" after "Level II Hearing, the".

To change "will" to "shall" in Sections 650.130(c)(4) and 650.130(c)(5).

To delete "full and true" from Section 650.130(c)(7).

To delete "logical" from Section 650.130(c)(8)(B)(iv).

To modify Section 650.130(c)(9)(C) by adding "in an agreed upon time frame" after "the parties", deleting "upon reasonable notice" and changing "material" to "pertinent".

To modify 650.130(c)(5) by change "hearing" to "prehearing".

To modify Section 650.130(c)(13)(A) by deleting "and DORS policy" and adding "and" after "provisions in law;"

To change "can" to "may" in Section 650.130(c)(13)(B).

To modify Section 650.130(c)(13)(C) by deleting "and DORS policy" and adding "regulation, and Program procedures" after "provisions in law,".

To change "will" to "shall" in Sections 650.130(d)(1), 650.130(d)(3), 650.130(d)(4), and 650.130(d)(6).

To change "will" to "shall" in Section 650.130(e)(7).

To change "will" to "shall" in Section 650.130(e)(9).

To modify Section 650.130(f)(3) by adding "(e.g. responding to hearing officer questions, adhering to time frames provided in this Section)" after "vendor".

To modify Section 650.130(f)(4) by adding "a vendor's" after "to ensure".



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13) Will this rule replace an Emergency Rule(s) currently in effect? No

14) Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation

15) Summary and Purpose of Rule(s): This Part has been adopted to replace the repealed Part 650 which governs the vending facility program for the blind.

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Janice Lobb  
Regulations and Training Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429  
Telephone number: (217) 785-3896  
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

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To change "assembled" to "presented" and "will" to "shall" in Section 650.130(g)(1).

To change "information" to "evidence" in Section 650.130(g)(2).

To modify Section 650.130(g)(3) by adding "based on evidence and a review of applicable law and regulations" after "occurred".

To modify Section 650.130(g)(4) by placing comma's after "may" and "shown" in the second sentence and adding "(e.g. illness of a vendor or witness, crisis at a facility, severe weather)" after "good cause shown".

To modify Section 650.150(a)(2) by adding "a medical statement is received by the Supervisor stating" and deleting "medical justification is provided to the Supervisor".

To change "will" to "shall" in Sections 650.150(a)(3), 650.150(a)(4), 650.150(a)(4)(A), and 650.150(a)(4)(B).

To change "will" to "shall" in Sections 650.150(b)(1)(A), 650.150(b)(5) and 650.150(b)(6).

Subsection 650.20(p) was added.

Section 650.50(a), the cross reference, "650.70(f)(1)" was changed to "650.110(g)(1)(B)".

In Section 650.100(r) the language "and shall be responsible for leaving the facility at that level of security" was added after "cash".

IV. In response to a recommendation by the Joint Committee, DORS included an incorporation by reference of Internal Revenue Ruling 54-255 found in Section 650.30(b).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes



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Section 650.10 Definitions

"Active participation" means involvement of the Illinois Committee of Blind Vendors (ICBV), and negotiation between the Department of Rehabilitation Services (DORS) and ICBV in administrative matters of a major type. "Active participation" does not mean concurrence on all issues, and where concurrence is not reached, DORS is given the ultimate authority to determine policies per 34 CFR 395.

"Administrator" means the employee of DORS responsible for the administration of the Program per the Randolph-Sheppard Act (20 U.S.C. 107) and its regulations (34 CFR 395 (1986)).

"Business counselor" means the person designated by DORS to consult with and advise assigned vendors, and provide regular written reports on the individual facilities and the vendor's performance to the vendor and DORS.

"Days" means working days, i.e., Monday through Friday excluding state established holidays or days on which government offices are closed by order of the Governor, unless otherwise stated.

"DORS" means the Illinois Department of Rehabilitation Services.

"Facility" means the location(s) assigned to one or more vendors by DORS from which the vendors derive income.

"License" means a written document issued by DORS to an individual meeting the standards in Section 650.80 authorizing the individual to operate a facility. Licenses may be "active" or "inactive". To maintain an "active" license, a vendor must be currently assigned a facility, have been assigned a facility at some time in the previous calendar year, or be on an approved leave. A license will be deemed "inactive" if the vendor is suspended or is not currently assigned a facility and has not been assigned a facility in the previous calendar year.

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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER C: VOCATIONALLY RELATED PROGRAMS

PART 650  
VENDING FACILITY PROGRAM FOR THE BLIND

Section 650.10	Definitions
650.20	Rights and Responsibilities of DORS as State Licensing Agency
50.30	Rights and Responsibilities of Vendors in the Program
650.40	Illinois Committee of Blind Vendors
650.50	Program Eligibility Requirements
650.60	Training
650.70	Certification of Vendors
650.80	Licensing of Vendors
650.90	Awarding of Facilities
650.100	Business Practices
650.110	Disciplinary Procedures for Vendors
650.120	Disciplinary Procedures for VR Clients in Initial Training
650.130	Grievance Procedures for Vendors
650.140	Set-Aside Funds
650.150	Leaves of Absence
650.160	Vending Facilities in Rest Area

AUTHORITY: Implementing The Randolph-Sheppard Vending Stand Act (20 U.S.C. 107) and authorized by "AN ACT in relation to the operation of vending facilities on public and private property by blind persons, and to repeal certain acts herein named," (Ill. Rev. Stat. 1989, ch. 23, pars. 3331 et seq.)

SOURCE: Amended August 31, 1973; Codified at 6 Ill. Reg. 13790; amended at 8 Ill. Reg. 5285, effective April 16, 1984; amended at 9 Ill. Reg. 12347, effective August 5, 1985; amended at 10 Ill. Reg. 3058, effective February 1, 1986; amended at 10 Ill. Reg. 9814, effective May 21, 1986; amended at 13 Ill. Reg. 7465, effective May 1, 1989; emergency amendment at 13 Ill. Reg. 15849, effective September 26, 1989 for a maximum of 150 days; amended at 13 Ill. Reg. 18937, effective November 16, 1989; part repealed, new Part adopted at 14 Ill. Reg. 2740, effective February 5, 1991



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"Net income" means the profits of the assigned facility after deducting the cost of replacement persons and set-aside.

"Net proceeds" means the amount remaining from the sale of articles or services of facilities and any vending machine or other income accruing to vendors after deducting the cost of such sale and other expenses (excluding set-aside funds).

"Nominee agency" means a nonprofit agency or organization designated by DORS, through a written agreement, to act as DORS' agent in the provision of specified services under this Part.

"period" means the four week business cycle used by the Program for reporting purposes; therefore there are 13 periods per year.

"Program" means all the activities of the State Licensing Agency under 34 CFR 395 related to vending facilities on federal and other property.

"Program assets" are the financial and physical resources of a facility, including inventory of product, supplies, equipment and funds generated from the sale of goods or services, except such items purchased by a vendor.

"Receipt", for material sent by DORS to a vendor(s), is presumed four days from the date of postmark or on the day of delivery for hand-delivered items, or, if a verbal form of communication, on the date of receipt.

"Seniority" is determined from the date a vendor receives a license to operate a facility and will continue as long as the vendor retains an active license. Beginning from the date of adoption of this Part, seniority will not accrue for the period when an individual's license is inactive and will be lost if an individual loses his/her license.

"Set-aside funds" means funds which accrue to DORS for uses described in Section 650.140, from an assessment against the net proceeds of each facility and any income from vending machines on Federal property which accrues to DORS.

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"State Licensing Agency" means the state agency designated by the Secretary of the United States Department of Education to issue licenses to blind persons for the operation of vending facilities on federal, state, local governmental and other property. In Illinois this agency is DORS.

"Supervisor" means the employee of DORS responsible for the supervision of personnel and training, or the person designated to carry out these responsibilities in the absence of the supervisor.

"34 CFR 395" is the citation to the federal regulations for the Randolph-Sheppard Act. All references refer to the 1986 edition, and no later editions or amendments are included.

"Trainee" means a client of DORS Vocational Rehabilitation program who meets the criteria for participation in the Program, per Section 650.50, who is attending the Program's training classes or is on an assigned on-the-job training position while in training.

"Vendor" means an individual meeting the criteria for participation in the Program, per Section 650.50, who has been certified and licensed by DORS and is eligible to manage, or is managing, a facility or is on an approved personal or medical leave.

Section 650.20 Rights and Responsibilities of DORS as State Licensing Agency

DORS, as state licensing agency, shall:

- a) develop policies with the active participation of ICBV, implement policies and procedures, and provide staff, funds, and any program servicing agreement necessary to carry out its responsibilities under the Randolph-Sheppard Act, as amended (20 U.S.C. 107 et seq.);
- b) coordinate the Program with DORS' vocational rehabilitation program;
- c) seek out and make arrangements for the use of suitable sites (based on factors such as space, anticipated



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income, rent or commissions required, or competition in the vicinity) for the establishment of facilities;

operate unassigned, abandoned, or vacant (due to leaves of absence) facilities;

d) provide for expenditures from available state and federal funds, and other allowable resources including set-aside funds, for the acquisition, installation and replacement of equipment and accessories, and the provision of initial stocks of merchandise and supplies for each new facility;

k) provide training to vendors on any new rules and procedures of the program;

l) hire business counselors trained in food practices and sanitation;

e) determine whether right, title to, and interest in a facility, including equipment and initial stock, may be vested in the vendor per 34 CFR 395.6. DORS shall hold title to equipment and initial stock, however title may be voluntarily assumed by a vendor per 34 CFR 395.6;

m) develop contracts or permits with building managers for the operation of vending facilities. When appropriate (e.g. a vendor's attendance would be inappropriate when building management requests that a vendor not be present, or when building management will be assessing the vendor's abilities to carry out the permit or contract), involve the assigned vendor(s) in renegotiations of contracts or permits;

f) ensure the conduct of the Program and the operation of each facility are in accordance with the Randolph-Sheppard Act, as amended and its regulations (34 CFR 395 (1988));

n) ensure all Program equipment is maintained in good repair and attractive condition per 34 CFR 395.10;

g) assure conformity with each facility's written permit or agreement;

o) distribute and use income from vending machines on federal property per 34 CFR 395.8;

h) have responsibility for the selection of trainees; award of licenses; issuance of certifications; assignment of vendors to facilities; discipline of vendors; establishment of a rate and the collection of set-aside; and the utilization and disposition of Program assets.

p) if there is a potential breach of security in an unassigned facility, DORS shall cure that breach before the new vendor is inventoried in and DORS may hold the prior vendor responsible for costs associated with said cure if the vendor does not leave the facility at the level of security as in 650.100(r).

i) determine that a facility should be operated by more than one vendor. This determination shall be based upon conditions of management and operation (e.g. the facility requires cash pick up or other security at diverse hours, or the facility has employees on many shifts where supervision is needed), volume of merchandise sold (e.g. a facility which has several peak sales points daily), required extended hours or days to provide service, or stipulations of permits or contracts with the building management. In such a multiple vendor arrangement, the division of net income shall be determined by DORS based on pertinent factors, including skills, qualifications and experience; degree of responsibility; and number of hours and days worked,

## Section 650.30 Rights and Responsibilities of Vendors in the Program

a) Vendors have the following rights:

1) to grieve disciplinary actions per Section 650.130;

2) to grieve dissatisfaction with any action arising from the operation or administration of the Program, per 89 Ill. Adm. Code 510;

3) to participate in the election of representatives to the Illinois Committee of Blind Vendors (ICBV);



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- 4) to receive the net income from the management and operation of the facility to which vendors are assigned;
- 5) to bid on facilities for which a vendor is certified per Section 650.70; and
- 6) to review his/her personnel file and provide comments pursuant to 89 Ill. Adm. Code 505.10.

b) Vendors, or those on probation for licensing, are engaged in a "trade or business" as defined by the Self-Employment Contribution Act (26 U.S.C. 1401-1403, 1983) and their net income from the management and operation of a facility constitutes self-employment income as defined in Internal Revenue Ruling 54-255 (Rev. Rul. 54-255, 1954-2 CB 326 with no subsequent amendments or editions).

- c) The vendor is responsible for:
- 1) maintaining the facility per the conditions of the facility's contract or permit, and the federal regulations (34 CFR 395 (1988));
  - 2) abiding by good business practices, specified in Section 650.100, as well as abiding by the provisions of this Part;
  - 3) making all appropriate payments for local, state and federal taxes related to the sales, operations of the facility, and its employees;
  - 4) devoting full time, a minimum of 37.5 hours per week, to the affairs of the assigned facility; carrying out assigned activities, responsibilities and relationships in accordance with this Part;
  - 5) considering advice presented by the business counselor or other Program personnel employed by DORS or the nominee agency (e.g. advise concerning loss control, security, equipment maintenance and repair, and customer relations);
  - 6) notifying DORS of his/her current address and telephone number within five days of a change; and

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- 7) abiding by the signed "Vendor Agreement" and any provisions for purchase of initial stock and facility equipment.

## Section 650.40 Illinois Committee of Blind Vendors

- a) The ICBV shall consist of eleven (11) vendors, all of whom must have active licenses and be operating a facility. ICBV members shall be elected biannually for a term of two years. Such election shall be conducted by DORS, in the manner prescribed by 34 CFR 395.14, to assure that vendors operating a facility pursuant to 34 CFR 395.1 have an equal opportunity to participate in the election. No other persons shall be entitled to vote in such election.
- b) ICBV members, as the elected representatives of the vendors, shall actively participate with DORS in major administrative decisions and policy and program development decisions affecting the overall administration of the Program. Contacts between ICBV and DORS shall generally be through the Administrator or designated program staff.

## Section 650.50 Program Eligibility Requirements

To be eligible for acceptance into, and to remain in the Program an individual must be:

- a) legally blind, no better than 20/200 central visual acuity in the better eye with correction or a limitation to the field of vision in the better eye to such a degree that its widest angle subtends an angle no greater than 20 degrees. A vendor must submit to a visual acuity test, at DORS' expense, when the Administrator has information that a vendor's vision has improved. If the vendor is no longer legally blind, the provisions in Section 650.110(g)(1)(B) will apply;
- b) a citizen of the United States; and
- c) at least 21 years old.
- on 650.60 Training

Section 650.60 Training



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- a) To meet the needs of trainees and licensed vendors, DORS will provide training or assist in developing training in four areas:

- 1) Initial Training: extended training required for any VR client, per Subchapter b, seeking to enter the Program; provides a general introduction to food services and the skills necessary to operate facilities.
  - 2) Retraining: additional training in the management of facilities to enable vendors to comply with the requirements for managing a facility as set forth in this Part.
  - 3) Skill Enhancement Training: as required by 34 CFR 395.11 (1988), upward mobility training to allow vendors to become certified to operate different types of vending facilities. Vendors are required to obtain a certificate of completion or a passing grade for each individual course or seminar taken, in which an examination is given, and complete the requirements of Section 650.70 to become certified.
  - 4) In-service Training: training to improve and/or enhance a vendor's managerial and operational skills; such training is optional to the vendor, although attendance may meet the conditions for maintaining certification per Section 650.70. Vendors are required to obtain a certificate of completion or a passing grade if the class is to be considered for meeting certification standards and consideration for reimbursement of costs.
- b) Initial Training
- 1) Initial training is required of any VR clients seeking to enter the Program prior to certification and licensing.
  - 2) For entrance into the Initial Training Program an individual must:
    - A) meet Program eligibility requirements per Section 650.50;

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- B) be a client of DORS' Vocational Rehabilitation (VR) Program (89 Ill. Adm. Code: Chapter IV, Subchapter b);
- C) be referred by a DORS VR counselor and complete an evaluation by DORS staff or other rehabilitation professionals, indicating that the individual has:
- i) adequate orientation and mobility skills to go to and from work and move about a facility,
  - ii) skills sufficient to communicate with the public and facility employees and to maintain the facility's records,
  - iii) mathematical skills adequate to complete Program financial documents, and
  - iv) daily living skills sufficient to allow the individual to meet personal care and housekeeping needs.
- D) be bonded for a minimum of \$10,000.00.
- 3) Evaluation Committee
- An applicant's credentials (e.g., vocational evaluation, education, work experience, etc.) shall be reviewed by an Evaluation Committee of DORS staff with experience in rehabilitation or the Program, named by the Administrator. The Evaluation Committee will determine that the individual meets the criteria in subsection (b)(2) of this Section. If these criteria are not met, the individual will be referred to his/her VR counselor for remedial or other VR services.
- 4) Initial training is divided into two areas:
- A) a core module, which must be taken first, providing general orientation to all facility operations and skills necessary for the operation of any type of facility (e.g.,



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making change, bookkeeping, completing reports), and

- B) one or more of the specific training modules, which must be taken after completion of the core module, to learn skills needed for the operation of specific types of facilities (i.e., dry stand, snack bar, cafeteria, and vending machine) including on-the-job training. If a trainee elects to take less than four modules he/she must indicate so in writing.

- 5) If a trainee is disciplined pursuant to Section 650.120(c), he/she shall be removed from training, referred back to his/her VR counselor, and notified of the right to appeal per 89 Ill. Adm. Code 510.

## c) Completion of Initial Training

- 1) The core module test must be passed by achieving a score of at least 75% on the written examination. Failure to receive a passing score on the core module will result in an individual being removed from initial training and referred back to his/her Vocational Rehabilitation counselor.

- 2) If an individual passes the core module and completes one or more of the specific modules, he/she can then take the tests for any specific training modules for which he/she has completed initial training, which must be passed by a score of at least 75% on the written examination plus completion of all on-the-job training objectives. Failure to receive a passing score on any specific training module will result in non-certification in that area.

## d) Retraining of Vendors

- 1) Retraining is mandatory:

- A) as a remedy for a disciplinary action resulting from a violation of the business practices set forth in Section 650.100; and

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- B) if a facility changes or expands to include food service areas in which a vendor is not certified.

- 2) Retraining is optional for a vendor upon a vendor's request and when equipment is placed in the facility with which the vendor has had no training or experience.

- 3) If a vendor requests retraining, DORS will determine whether it will be provided based on a review of his/her business counselor's observation reports, the vendor's annual evaluation and available training resources.

## 4) Facility Status During Retraining

- A) A vendor who is mandated to take retraining, pursuant to subsection (d)(1) of this Section, must within six months satisfactorily complete the retraining by meeting the same standards as those of initial training (Section 650.60(c)) to retain operation of his/her facility. A vendor who does not satisfactorily meet these standards will only be eligible to bid on facilities for which he/she is certified.

- B) If retraining is provided to a vendor per subsection (d)(2) and (3) of this Section, the vendor shall retain his/her right to the assigned facility both during and upon successful completion of retraining.

- C) During retraining, the vendor's replacement person costs will be paid by DORS.

## Section 650.70 Certification of Vendors

- a) An individual may be certified in one or more of the following areas: dry stand, snack bar, cafeteria, and vending machines.

- b) DORS will certify individuals who:

- 1) successfully complete the core module and one or more specific training modules as set out in Section 650.60, and



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2) demonstrate potential for employment as a vendor as determined by a Screening Committee interview with the individual. This determination shall be based upon the individual's personality (e.g. the individual's ability to get along with the public and fellow workers), and performance during on-the-job training, and motivation (e.g. attendance, how well he/she accepts direction, willingness to alter behavior). The Screening Committee will be composed of the Supervisor, or designee, and the trainers employed by DORS.

c) Certification in any area will only be valid for 24 months, subject to the provisions in subsection (e) of this Section.

d) Recertification for each additional 24 month period will only be granted if the vendor or graduate of training has:

1) had at least six months of work experience in the past 24 months in the specific area; or

2) satisfactorily completed two training programs in the specific area, offered or authorized by Program staff prior to attendance during the past 24 months. Both programs must be pertinent to the area of certification, as determined by DORS, and at least one of them must be a course offered or arranged by DORS or a college or university.

e) Certification for all vendors and graduates of training in the areas in which they are currently certified, will not expire for 24 months from the date of adoption of this Part. By that time, each vendor must have maintained his/her license and met the standards of subsection (d) of this Section in order to become re-certified.

## Section 650.80 Licensing of Vendors

a) There shall be two categories of licenses: active and interim.

b) Licenses permitting individuals to manage facilities will only be issued to persons who:

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1) are certified by DORS as qualified to manage and operate a facility, and

2) satisfactorily complete a 6 month probationary period performing management and operation functions in a Program facility as an assigned vendor or replacement vendor. The supervisor will use the criteria in Section 650.90(d) to determine satisfactory completion of the probationary period.

c) To maintain an active license, a vendor must be currently operating a facility, or have operated a facility or been on medical leave from a facility at some time during the previous calendar year.

d) All active licenses will be reviewed by the Supervisor at the beginning of each calendar year to determine if they should be inactivated or renewed or terminated per Section 650.110(g). Notification will be made by the Supervisor to the vendor in writing.

e) A license will be deemed to be inactive if the vendor is not currently assigned a facility, is suspended, or has not been assigned a facility in the previous calendar year.

f) To activate an inactive license, an individual must meet the standards for completing training described in Section 650.60(c). If results of these tests reveal areas of deficiency, the vendor must successfully complete a retraining program to address those deficiencies. If no action is taken to activate a license after 6 months from the date of notification that it has become inactive, the license shall be terminated.

g) Any vendor with an active license on the date of adoption of this Part will be granted an interim license for one year. At the end of that time, the vendor must meet the conditions of subsection (c) or (f) of this Section and be certified in one or more areas in order to have an active license. If a vendor does not meet these conditions, the license will be placed in inactive status, unless it has been terminated.

## Section 650.90 Awarding of Facilities



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- a) Any vendor with an interim or an active license or graduate of training holding appropriate certification(s) may bid on an available facility for which they are certified, pursuant to Section 650.70.
- b) DORS shall send notification of all facility openings to all vendors and also to appropriately certified graduates of training per Section 650.70(a). The bid announcement will include:

- 1) location of the available facility;
  - 2) type of facility (i.e., dry stand, snack bar, vending machine facility, cafeteria, or combination);
  - 3) types of certification(s) necessary based on the make-up of the facility (e.g. a dry stand with vending machines);
  - 4) requirements of the vacant position based on the type of facility and the conditions contained in the permit or agreement with the management of the building in which the facility is located;
  - 5) anticipated income from the facility based upon profit and loss statements for existing facilities and projections based on the profit and loss statements for the previous three to six periods for new facilities, if available;
  - 6) the date by which the bid shall be received, which date shall be within 15 days following the date of notification. Receipt shall mean the bid is received in the office of the Program Administrator by 12:00 noon of the date designated in the bid;
  - 7) a statement indicating that the vendor may submit a self-analysis of his/her performance;
  - 8) the estimated value of inventory of merchandise, and
  - 9) the Program's Bid Application (IL488-2048).
- c) Every licensed and appropriately certified vendor and appropriately certified graduate of training, per

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Section 650.70(a), who has bid for an open facility must be interviewed in-person and evaluated by the Selection Committee. The Selection Committee shall consist of: the Supervisor or Supervisor of Support Services, who shall Chair the Committee; a DORS vocational rehabilitation counselor for the blind; two vendors agreed upon by the ICBV Chair and by the Chair of the Selection Committee (in multi-vendor facilities, one of these shall be the lead vendor unless that is the position being bid). In the event an agreement cannot be reached by DORS and the ICBV Chair each shall select a vendor.

- 1) Within fifteen days after bids have been received by DORS, the Selection Committee shall meet and complete its part of selection process.
- 2) The Chair shall provide an agenda to the Selection Committee, set the location for the interview, and assure all relevant information and forms are available, which include:
  - A) a complete signed "Bid Application Form" for each appropriately certified applicant bidding on the facility;
  - B) when applicable, the most recent Annual Evaluation (IL488-2047) of each applicant prepared by the Business Counselor. If available, a written analysis of the criteria in subsection (d) of this Section, based on the applicant's previous 13 periods, shall be included with the annual evaluation.
  - C) Profit and Loss statements from the preceding 13 periods for each vendor bidding, or whatever portion is available;
  - D) if the applicant submits one, a written self-analysis of performance during the prior 13 periods;
  - E) the bid announcement for the facility;
  - F) Rating Forms (IL488-2049) for the Selection Committee members; and



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- G) a copy of proposed Selection Committee questions developed by Program staff.
- 3) The Selection Committee shall review this Section, the procedures for Selection Committee, interview and score each applicant and submit all completed Committee Member Rating Forms to the Chair of the Selection Committee.
- 4) The discussions held during a Selection Committee meeting shall be confidential, per 89 Ill. Adm. Code 505, and filed in a separate file. However, the Selection Committee's numerical ratings, without names or other identifying information shall be made available to the applicants upon request, if there are more than two applicants. An individual's rating shall be made known to the individual upon request.
- d) The Selection Committee shall assess the following criteria as applicable to the facility. The criteria are not listed in priority order.
- 1) Customer Relations - the ability to relate to and communicate with customers in a positive manner;
  - 2) Business Practices - use of good business practices set forth in Section 650.100;
  - 3) Reliability - the extent to which the applicant carries out his/her facility responsibilities, in compliance with this Part;
  - 4) Discipline - oral and written reprimands within the previous 13 periods and suspensions imposed within the previous three years from the date the bid is due. Information from proposed disciplinary actions and grievances of them shall also be made available;
  - 5) Mechanical Aptitude - the ability to operate and maintain the equipment at the current facility as well as equipment at the facility to be awarded;
  - 6) Handling Equipment Problems - the ability to determine and correct equipment failures in a timely manner;

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- 7) Work Experience - the previous work experience in the Program, including the kinds of facilities at which the applicant has worked, and previous work experience outside the Program;
- 8) Employee Management Skills - the ability to supervise employees and other leadership abilities;
- 9) Organizational Skills - the ability to plan, implement, and complete facility functions;
- 10) Physical Stamina - the ability to meet the physical demands of the facility;
- 11) Orientation and Mobility Skills - the ability to move about and function safely in and around the facility;
- 12) Employee Replacement - the ability to locate and utilize temporary employees when necessary;
- 13) Operational skills - whether or not operational standards (e.g. gross profit percentage, labor cost, menu preparation, customer services) were met in previous facilities; and
- 14) Financial Management - sound fiscal management of facility assets (e.g. handling cash receipts correctly, preparing necessary financial reports, maintaining security of program assets).
- e) The facility shall be awarded to the applicant who is most qualified for that specific facility with the highest rating above 60% based upon the selection process as described in subsection (c)(2) of this Section.
- f) If more than one applicant has received the same score from the Selection Committee, seniority shall be used to award the bid.
- g) If the scores by the Selection Committee and seniority are equal, the licensed applicant who is not currently operating a facility will receive priority.
- h) If there is not a successful bidder (i.e., no bidder receives at least 60%), the facility will be rebid.



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- i) Any applicant who is dissatisfied by the bid award may appeal the decision per 89 Ill. Adm. Code 510.
- j) Within two days of the decision to award a facility, DORS will send the successful applicant a written offer of the facility and a vendor agreement for that facility. Within five days of receipt of the offer, the vendor must mail the signed vendor agreement (IL488-2046) and a letter of acceptance to the Supervisor. Within ten days of receipt of the offer, the vendor must notify the Supervisor of the date of resignation from the current facility; this date shall be no later than 40 days from the date of the written offer. Failure of the vendor to provide a date of resignation shall result in the effective day of resignation being the 40th day.
- k) If the applicant does not accept the offer within five days of the written offer, the facility shall be offered to the next highest ranking applicant with a score of 60% or higher. Unsuccessful bidders shall be notified in writing within two days of the acceptance of the facility by the successful bidder.

## Section 650.100 Business Practices

Vendors and graduates of training serving their probation shall be required to follow business practices set forth in this Section. Failure to comply with these business practices shall result in disciplinary action as contained within Section 650.110 and as shown for each practice.

- a) The vendor shall maintain complete and current facility manuals at the facility. These manuals shall include the Location Manual which shall contain, at a minimum: inventory, price lists, job descriptions, a security program developed by DORS and the vendor, the facility permit or contract, facility policies, and the vendor agreement; the Facility Reference Manual, which includes all written rules and regulations, procedures promulgated by DORS and the nominee agency, and any other documents listed in this Part or required to be included by DORS. Failure to keep current and complete manuals shall result in an oral reprimand.
- b) All Program forms prescribed by DORS for recordkeeping purposes shall be accurately completed and submitted

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within established timelines. Each individual violation shall result in an oral reprimand.

- c) The vendor shall adhere to all applicable state, county, and local health codes as contained in "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 67 et seq.) and "AN ACT to provide for the licensing and regulation of food service establishments in counties of over 500,000 population and providing penalties for violation thereof" (Ill. Rev. Stat. 1987, ch. 34, par. 439) and Department of Public Health Regulations 77 Ill. Adm. Code 743 (Sanitary Vending of Food and Beverages), 750 (Food Service Sanitation Code), and 760 (Retail Food Stores Sanitation Code) regarding personal hygiene. The vendor is also responsible for informing the facility employees of such requirements and assuring compliance. Clean, professional attire shall be worn in all facilities. Violation shall result in a written reprimand.

- d) Smoking, drinking, and eating by the vendor and employees shall be allowed only during break times established by the vendor in a written policy to be included in the Location Manual, and only in areas designated by the vendor in conformance with the facility contract or permit and Department of Public Health Regulations, 77 Ill. Adm. Code 743.90 and 750.530. Violation shall result in an oral reprimand.

- e) The sanitation of the facility must, at a minimum, meet DORS facility program standards on the Sanitation and Safety Checklist (IL 488-2050). To ensure compliance with these standards a sanitation schedule shall be established by the vendor. This schedule shall be kept in the Location Manual and complied with by the vendor and all employees. Violation shall result in an oral reprimand.



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- f) The vendor shall inspect all merchandise checked into the facility for: quality, quantity, damage, back order, price variances, and assure storage per the Sanitation and Safety Checklist (IL488-2050). The vendor also shall coordinate all corrections in orders with purveyors to ensure proper credit and to ensure maintenance of facility profit margins. Evidence of violation shall result in an oral reprimand.
- g) The vendor shall adhere to the facility contract or permit and any addenda (e.g., hours of operation, price constraints, menu selection). Violation shall result in a written reprimand.
- h) The vendor shall maintain current and accurate records of product cost, complete product mixes and product price. Prices charged for products will be in accordance with the facility contract or permit. A current list of the inventory and a price list will be placed in the Location Manual. Violation shall result in an oral reprimand.
- i) Payment for purchases of goods or services shall be made in a timely manner and carried out in accordance with accepted business practices and with purveyors' requirements. Violation shall result in a written reprimand.
- j) Each vendor shall be responsible for all legally mandated and commonly accepted personnel practices (e.g. Department of Labor rules (56 Ill. Adm. Code Chapter I, subchapter b, "Regulation of Working Conditions")) for employees of the facility. Violation shall result in an oral reprimand.
- k) Consumption of alcoholic beverages or use of illegal drugs at the facility by a vendor or employee or working under the influence of alcohol or drugs is not permitted. Violation shall result in immediate suspension of three facility business days.
- l) No alcohol or illegal drugs shall be allowed at a facility. Violation shall result in a written reprimand.
- m) Facility money, product, equipment or Program assets shall not be removed from the facility by the vendor

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- for personal use. Violation shall result in termination of license.
- n) In facilities having cash registers, all sales and services must be recorded on the cash register at time of purchase. In all other facilities, all cash removed from each vending machine must be recorded on the facility's Vending Cash Out Sheet. The form shall be kept by the vendor either at the facility or producable upon request the next business day. Violation shall result in a written reprimand.
- o) A facility shall not be closed during regularly scheduled business hours except in cases of family or medical emergency or other natural emergencies (e.g., severe weather). Violation shall result in a written reprimand.
- p) If the facility is closed because of the absence of the vendor for all or part of two consecutive business days, the vendor shall be considered to have abandoned the facility (unless there was an emergency). Violation shall result in termination of license.
- q) Each vendor shall conduct himself/herself in a professional manner in contacts with building management, (e.g., avoiding use of profane language, racist or sexist remarks, inappropriate gestures or physical contact.) Violation shall result in an oral reprimand.
- r) A vendor is responsible for maintaining the security of the facility, including the service area, storage areas, machines, product and cash and shall be responsible for leaving the facility at that level of security. Violation shall result in a written reprimand.
- s) The vendor must maintain a professional attitude and demeanor toward customers and the public at all times. Violation shall result in an oral reprimand.
- t) A vendor is responsible for the conduct of his/her employees and must ensure they are aware of and adhere to the business practices. The vendor is responsible for correcting actions of an employee and enforcing the business practices where they apply to the



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employee. Violation shall result in an oral reprimand.

u) A vendor is responsible for all appropriate payments for local, state and federal taxes related to sales and to the employees at the facility to which he/she is assigned. Violation shall result in an oral reprimand.

v) A vendor shall devote full time, a minimum of 37.5 hours per week, to the business of the facility, carrying out assigned activities, responsibilities and relationships in accordance with this Part. Violation shall result in an oral reprimand.

w) A vendor shall seriously consider advice presented by the business counselors or other personnel employed by DORS or the nominee agency. Violation shall result in an oral reprimand.

x) A vendor must maintain all facility financial accounts in such a manner that assures no interruption of service and that all funds, including program assets and the vendor's working capital, are balanced at the end of each fiscal reporting period for that facility. Violation shall result in a written reprimand.

y) A vendor shall operate the facility in a manner that shall avoid the repeated violation of a variety of the business practices listed above. Violation shall result in a written reprimand, in addition to the consequences of the other business practice violation.

## Section 650.110 Disciplinary Procedures for Vendors

a) Disciplinary actions shall include the following:

- 1) oral reprimand,
- 2) written reprimand,
- 3) suspension,
- 4) loss of facility, and
- 5) termination of license.

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b) Any time discipline is imposed, the vendor shall be advised of the right to grieve per Section 650.130.

c) Oral Reprimand

1) An oral reprimand is a discussion in person or by telephone between the vendor and the lead vendor, in a multi-vendor facility, business counselor, Supervisor, and/or the Supervisor of Support Services. An oral reprimand must occur within five days of any Program staff member's or lead vendor's (in the case of a multi-vendor facility reprimand by a lead vendor) knowledge of an incident which occurred within the last 30 days. The oral reprimand shall identify the rule(s) or policy violated, corrective actions, and the consequences of repeated violations. An oral reprimand shall be used for the first violation of the rules contained within this Part with the exception of Section 650.100(c), (g),(i),(k),(l), (m), (n),(o),(p),(r),(x),(y).

2) The discussion shall be identified to the vendor as an oral reprimand, and shall advise the vendor that a rule has been violated and what corrective action is necessary.

3) The person giving the oral reprimand shall send a written report to the Supervisor which shall include the time, date of violation, nature of the violation, corrective measures required, the date of such oral reprimand, the vendor's comments and the vendor's signature. A copy shall also be provided to the vendor. The Supervisor shall, within ten days of receipt, review the written report.

A) If the Supervisor is in agreement with the written report, he/she shall place a copy of this report in a working file on discipline; however, the vendor's permanent personnel file shall not contain any reference to the reprimand.

B) If the Supervisor does not agree with the oral reprimand, the report will be returned to the vendor.



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- C) The working file on discipline shall be available for the vendor's review and shall be subject to DORS rules on confidentiality (89 Ill. Adm. Code 505).
- D) An oral reprimand in the working file on discipline shall be destroyed one year after its date, if no repeat of that violation occurs.
- 4) Action resulting in an oral reprimand which is not corrected may be the basis for a written reprimand.

## d) Written Reprimand

- 1) A written reprimand shall be issued for a second violation of a rule contained in this Part following an oral reprimand for the same business practice violation. Written reprimands are also issued for the violation of a health code or location permit or contract, or violation of business practices set forth in Section 650.100(c), (g), (i), (l), (n), (o), (r), (x), (y).
- 2) Within ten days of the Supervisor's knowledge of the violation, provided the violation has occurred within the past 60 days, the supervisor shall prepare a written reprimand. The written reprimand shall be sent to the vendor's mailing address by certified mail, return receipt requested, or delivered in person by program staff with a signed receipt to be returned to DORS.
- 3) The Supervisor, or in his/her absence the Supervisor of Support Services, shall prepare a written reprimand which:
  - A) outlines the events leading to the reprimand,
  - B) explains the violation of the rules (89 Ill. Adm. Code 650),
  - C) reviews any existing prior oral reprimands for similar offenses,

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- D) states all known facts about the present violation, including the names of all known witnesses,
- E) details the disciplinary consequences of continued offenses as set forth in this Section,
- F) indicates the steps the vendor should take to correct the situation;
- G) states the vendor's right to grieve as set forth in Section 650.130.
- 4) A copy of the written reprimand shall be placed in the vendor's permanent personnel file. One year from the date of reprimand, the reprimand shall be removed from the vendor's personnel file and sent to the vendor.

## e) Suspension

- 1) Suspension shall be imposed either when a violation is repeated within a year of the date of the written reprimand or when an immediate suspension is warranted per subsection (e)(5) of this Section. The Administrator shall determine if suspension is warranted and, if so, the length of the suspension based on subsection (e)(3) of this Section, and the effective date.
- 2) When a vendor is suspended, the facility shall be operated by a replacement person. If the suspension is for more than six facility business days, an immediate inventory of all stock, equipment, and documents shall be taken, or directed to be taken, by DORS and recorded. If the suspension is six facility business days or less, the vendor shall be assessed the daily average amount of income before set aside for the last three periods or the cost of replacement labor, whichever is greater.
- 3) The first suspension for any violation may be for up to 20 facility business days. If the violation is repeated within one year of the ending date of the first suspension, the second suspension shall be for up to 40 facility business days. If a vendor receives more than



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two suspensions for any reason during a three year period, the third and subsequent suspensions shall be for 40 facility business days each.

4) Notices of Suspension shall be sent to the vendor at his/her last known address by certified mail, return receipt requested or delivered in person by Program Staff with a signed receipt to be returned to DORS. The Notice of Suspension shall state the effective date, the basis for the suspension, and the length of the suspension.

5) An immediate suspension of three facility business days shall be imposed without notice pursuant to subsection (e)(4) of this Section by the Supervisor if the vendor's continued presence could be a direct threat to self, others, property, or the loss of the facility (e.g., fighting with customers, being under the influence of drugs or alcohol, disorderly conduct, using profane language with customers) or if necessary to investigate charges of misconduct. This discipline may be grieved per Section 650.130 and if the decision favors the vendor, the vendor shall be reimbursed the costs of replacement labor.

f) Loss of Facility

1) A vendor shall lose the facility if one of the following occurs:

- A) the vendor receives three suspensions, which have not been overturned, for any reason in a two year period,
- B) the vendor receives two suspensions which have not been overturned for violation of the business practice in Section 650.100(q) in a two year period,
- C) failure to return from leave per Section 650.150,
- D) the building manager states in writing that the account with the facility shall be lost if the vendor remains at the facility, or

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E) the vendor or graduate of training falsifies his/her Bid Application Form (IL488-2048), any material used by or submitted to the Selection Committee.

2) If for two consecutive periods the gross profit (i.e. the ratio of cost of goods to net sales) of the assigned facility is more than 10% below the projected average, or the average profit percentage is more than 8% below the projected average for four consecutive periods, DORS shall observe the facility's operations to determine the cause of the failure to meet projections. If it is determined the vendor is at fault, DORS shall make written recommendations to improve the actual gross profit percentage. If after two more periods the facility is not within three percentage points of the projected goal, the vendor shall lose the facility.

3) The loss of a facility by a vendor shall not restrict the vendor from bidding on another facility, but he/she shall not be awarded the same facility.

g) Termination of License

1) A license will terminate, without further notice, when:

- A) a vendor notifies DORS in writing that he/she has withdrawn from the Program;
- B) a vendor experiences an improvement of vision above the definition of legal blindness pursuant to Section 650.50(a);
- C) the vendor has an illness with a medically documented diagnosis that the vendor is incapable of operating a facility;
- D) the vendor fails to notify DORS of a change of address and the vendor has had no contact with DORS for one year;
- E) the vendor abandons a facility with no notice to DORS, per Section 650.100(p);



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- F) the vendor uses Program assets (facility income, equipment, stock, or money) for personal use (e.g. paying personal bills, buying personal property, taking stock or equipment home);
- G) the vendor has lost two facilities within five years in accordance with subsection (f)(1)(D) of this Section; or
- H) the vendor is convicted of a felony.

- 2) An individual must wait two years from the effective date of license termination before applying for readmission to the Program in accordance with Sections 650.50 and 650.60. All seniority rights shall be lost at the time of the license termination and shall not be reinstated.

#### Section 650.120 Disciplinary Procedures for VR Clients in Initial Training

- a) Trainees who are receiving initial training and vendors receiving retraining in the classroom or at an on-the-job training site shall be disciplined as set out in this Section for violating a rule of conduct. Documentation of discipline shall be kept in the individual's personnel file.
- b) A trainee wishing to appeal discipline may do so per 89 Ill. Adm. Code 510. A vendor wishing to appeal discipline may do so per Section 650.110.
- c) The following actions shall begin with the discipline shown and progress as follows: oral reprimand or written reprimand, suspension from training for one day and termination from training.
- 1) Leaving training during scheduled hours without permission. Oral reprimand.
  - 2) Sleeping during training. Oral reprimand.
  - 3) Failing to report any injury. Oral reprimand.
  - 4) Failing to request a scheduled absence (e.g. scheduled doctor's appointment, family obligation, transportation problems) 24 hours in

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advance from the Training Director or designee Oral reprimand.

- 5) Failing to obey rules of the Illinois Visually Handicapped Institute as set forth in 89 Ill. Adm. Code 730. Oral reprimand.
  - 6) Failing to notify the Training staff by 7:00 a.m. of any day the trainee is unable to attend classroom training. Oral reprimand.
  - 7) Failing to notify the Training staff before the scheduled starting time of the inability to attend on-the-job training. Oral reprimand.
  - 8) Failing to wear the uniform provided during training. Oral reprimand.
  - 9) Eating, drinking or smoking in class or outside designated areas. Oral reprimand.
  - 10) Disregarding safety or sanitation practices (e.g., failing to report unsafe equipment, removing machine parts without approval). Oral reprimand.
  - 11) Using training equipment, machines or training telephones without specific approval from the Training Director or designee. Oral reprimand.
  - 12) Excessive absenteeism or tardiness (e.g., more than two unscheduled absences or reporting tardy more than three times). Written reprimand.
  - 13) Unprofessional conduct (e.g., use of profane language, racist or sexist remarks, unwelcome sexual advances, verbal or physical conduct of a sexual nature). Written reprimand.
  - 14) Cheating on tests. Written reprimand.
  - 15) Damaging Program property through failure to exercise proper care. Oral reprimand.
- d) The following actions will result in termination from training:
- 1) Theft.



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grieving a suspension, not including an immediate suspension, to Level I or Level II shall stay the imposition of the discipline until the administrative remedies within DORS have been exhausted. A Level I Hearing is optional; a vendor may choose to go directly to a Level II Hearing and follow the procedures in subsection (c)(2) of this Section. A suspension shall be grieved by appealing directly to Level II.

b) Level I (Administrative Review)

In order to grieve an oral or written reprimand imposed per Section 650.110, DORS must receive a request for a Level I Hearing within 15 days of the date of receipt of notification that discipline is to be imposed. The vendor shall give notice in writing by certified mail to the Administrator, which notice shall state the reason for the grievance and the remedy being sought.

1) If the grievance is timely, the Administrator or designee shall, within five days, notify the vendor by certified mail of the time and place of the Level I Hearing, to be held between 10 and 15 days of receipt of the vendor's notice at the Springfield Administrative office of DORS. The Administrator, or designee, and vendor shall meet and attempt to resolve the grievance to their mutual satisfaction.

2) Within 10 days after the adjournment of the meeting the Administrator shall send the vendor a letter by certified mail stating DORS' position and summarizing the results of the hearing. The letter must cite:

- A) a statement of the basis upon which the decision was made;
- B) the applicable laws, rules, regulations and policies used;
- C) the name and address of the DORS Hearings Coordinator; and
- D) a statement that if the vendor is dissatisfied with the decision, a request

2) Consuming or possessing alcoholic beverages or illegal substances or working under the influence of such during training.

3) Inappropriate behavior which disrupts training or on-the-job training (e.g., fighting, gambling, conducting a lottery, tardiness which continues after a written reprimand).

4) Inflicting or attempting to inflict harm upon the person or property of another.

5) Misrepresenting or withholding information on the Employment Verification form (I-9) or the referral packet.

6) Failing or refusing to follow instructions or complete assigned objectives in a timely fashion in any area of training and on-the-job training.

7) Possessing a dangerous weapon during training (e.g., a knife with a blade longer than two inches).

8) Threatening, coercing or interfering with a trainee, DORS employee, vendor or customer.

9) Three unexplained absences.

10) Cheating in the final examination.

11) Altering or willfully destroying Program records, files or property.

e) Oral and written reprimands shall be imposed per Section 650.110 by a member of the training staff. If possible, another staff member as well as the VR counselor, if available, should be present when discipline is imposed.

Section 650.130 Grievance Procedures for Vendors

a) Dissatisfaction of a vendor with any DORS action arising from the administration of the Program shall be appealed pursuant to 89 Ill. Adm. Code 510. A vendor may grieve discipline pursuant to the following procedures for Level I (Administrative Reviews) and Level II (Evidentiary Hearings). The action of



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for a Level II hearing must be received by the Hearings Coordinator within 15 days from the date of receipt of the Level I hearing decision notice. The request shall be in writing, addressed to the DORS Hearings Coordinator at P.O. Box 19429, Springfield, Illinois 62794-9429, and shall contain the reason for the Level II Hearing and propose four acceptable dates for the hearing, which dates shall be within 20 days of the request.

## c) Level II (Evidentiary Hearing)

- 1) If the vendor requests a review of an action where there has been no Level I Hearing, the request for a Level II Hearing must be received by the DORS Hearings Coordinator within 15 days of the date of notification that discipline is to be imposed. The request shall also propose four acceptable dates for the hearing, which dates shall be within 20 days of the request.
- 2) If the vendor has chosen to have a Level I Hearing and then requests a Level II Hearing, the Hearing Officer at the Level II Hearing shall review only those issues presented by the vendor or which are material and related to those presented in the Level I Hearing.
- 3) Within 5 days of receipt of the request, the DORS' Hearings Coordinator shall select one of the offered dates and notify the vendor by certified mail of the date and place for the Level II Hearing stating the Hearing Officer's name and address, and informing the grievant of all rights accorded pursuant to this Part.
- 4) DORS shall be represented by the Administrator or designee, who may be assisted by other staff including the DORS legal counsel.
- 5) At least three days prior to the hearing, the vendor and the Administrator must provide each other and the Hearing Officer with a list of witnesses and copies of documents not in the possession of the other party.
- 6) The following is the order of proceedings:

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- A) presentation, argument and disposition of all preliminary motions and matters;
  - B) opening statements;
  - C) evidence presented by the vendor;
  - D) evidence presented by DORS;
  - E) rebuttal by either or both sides; and
  - F) closing statements.
- 7) The vendor and DORS are entitled to present their case by oral or documentary evidence, to submit rebuttal evidence and to conduct such examination and cross examination of witnesses as may be required for a disclosure of all facts bearing on the issues.
- 8) The Hearing Officer
- A) The Level II Hearing shall be heard by an Impartial Hearing Officer appointed by the Hearing Coordinator from a list maintained by him/her.
  - B) The qualifications for a hearing officer are:
    - i) impartiality,
    - ii) an understanding of the applicable rules (89 Ill. Adm. Code 650),
    - iii) the ability to preside over the evidentiary hearing, and
    - iv) the ability to reach a recommendation based upon the facts presented at the evidentiary hearing and the applicable rules.
- 9) The Hearing Officer has the power to:
- A) control the conduct of the hearing to prevent irrelevant or immaterial discussion;



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- B) rule upon all motions and other matters arising in the course of the hearing, including, but not limited to, admissibility of evidence; and
- C) require the parties, in an agreed upon time frame, at any stage of any hearing or after all parties have completed the presentation of their evidence, to present further evidence including, but not limited to, the production of any and all documents, books, papers and accounts the Hearing Officer deems pertinent or relevant to any issue.
- 10) Any relevant evidence presented which is of a type commonly relied upon by reasonably prudent individuals may be admissible, i.e., any information not presented in the hearings previously which pertains to the issues raised in the grievance and has been made available to both parties within the agreed upon time.
- 11) DORS will make an audiotape recording of the proceedings and will provide the vendor with one copy upon request, at no cost. Upon request by a vendor, a braille or large print transcript will be provided at no cost.
- 12) The record of testimony, exhibits, and all papers and documents filed in the hearing shall constitute the exclusive record for decision.
- 13) The decision
- A) Within fifteen (15) days after the hearing is adjourned, the Hearing Officer shall provide a recommendation to the Director of DORS. The recommendation of the Hearing Officer shall be based upon the record of the hearing and shall set forth the principal issues and relevant facts adduced at the hearing; the applicable provisions in law and regulation; and a recommended action. It shall also contain findings of fact and conclusions with respect to each of the issues and basis therefore.

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- B) The recommendation may also set forth any remedial action necessary to resolve operational problems of the Program.
- C) The Director of DORS shall make a decision as to the disciplinary action to be taken within fifteen (15) days of receipt of the recommendations. The Director's decision shall state the principal issues and relevant facts brought out at the hearing, pertinent provisions in law, regulation and Program procedures, the reasoning that led to the decision, and the vendor's right to appeal to the U.S. Department of Education per 34 CFR 395.13. A copy of the Hearing Officer's recommendations shall be attached to the Director's letter. The Director shall send copies of the decision by certified mail to the Hearing Officer, the vendor and his/her personal representative, and to the Administrator.
- D) If the vendor is dissatisfied with the decision rendered after a Level II Hearing, the vendor may request, within fifteen (15) days of the receipt of such decision, that an arbitration panel be convened by filing a complaint with the Secretary of the United States Department of Education, as authorized by Section 5(a) of the Randolph-Sheppard Act, (20 U.S.C. 107 et seq.) and 34 CFR 395.13 (1988).
- d) General provisions for Level I and II Hearings
- 1) A vendor may only designate one personal representative at any one time. The Hearing Officer must be notified by the vendor of the appointment of a representative by filing, no later than three days in advance of a hearing, a notice of appearance stating the representative's name, address and telephone number, identifying the vendor represented, and signed by the vendor.
- 2) Grievances by any party not directly aggrieved by the discipline cannot be heard by DORS pursuant to this Part.



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- 3) The vendor may request a reader, which DORS shall provide at its expense if it is necessary. Either brailled, large print or audio material, at the vendor's request, will be used as required.
- 4) All meetings with the vendor pursuant to this Section must occur at a time and location convenient to both parties.
- 5) All proceedings pursuant to this Section are to be confidential and not open to the general public unless requested to be so by the vendor.
- 6) DORS will assume the administrative costs of the appeals, e.g., reader, and court reporter/transcription, but not costs personally incurred by the vendor because of the proceedings, e.g., legal fees, travel, witness costs, and room and board.
- e) Vendor's Rights Regarding a Grievance
 

After a request for a hearing is received by DORS, the vendor must be informed of the right to:

  - 1) review his/her file and other related documents, with the exception of information per Section 650.90 and confidential information;
  - 2) be represented by a personal representative who has filed a notice of appearance with DORS;
  - 3) an explanation of the grievance process as set forth in this Section;
  - 4) request a reader;
  - 5) withdraw the grievance at any time during the process, in which case the vendor cannot request a reopening of the grievance;
  - 6) a timely and impartial hearing;
  - 7) decline to appear for Level I or II Hearing, in which case a review of the case file and any new written information or evidence submitted by the grievant shall be examined and a decision made based on that review by the Hearing Officer;

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- 8) confidentiality of the proceedings as set forth in 89 Ill. Adm. Code 505.10; and
- 9) have DORS employees directly involved in the appealed action present at the hearings, and to question them. However, if such employee(s) is no longer employed by DORS and declines to attend the hearing after DORS has made a reasonable attempt to secure his/her attendance, the person most knowledgeable about the case shall attend.
- f) DORS Rights Regarding a Grievance
 

DORS has the right to:

  - 1) refuse to hear grievances if not timely filed;
  - 2) have a DORS attorney present;
  - 3) cooperation by the vendor (e.g. responding to hearing officer questions, adhering to time frames provided in this Section);
  - 4) publish hearing summaries, with deletions as necessary to ensure a vendor's confidentiality; and
  - 5) consolidate for hearing all issues related to a vendor or to several vendors out of the same set of facts and circumstances.
- g) Conduct of the Hearings
  - 1) A hearing shall not be adjourned until the Administrator or Hearing Officer is satisfied that all facts needed for a decision have been presented.
  - 2) Only evidence bearing directly on the issue under review may be introduced; only evidence which has been made available to the other party may be considered by the Administrator or Hearing Officer.
  - 3) It is DORS' responsibility to prove that a violation occurred. If the Hearing Officer determines that DORS failed to prove that a violation occurred, based on evidence and a



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review of applicable law and regulations, he/she may direct that the disciplinary action being grieved be removed from the vendor's file.

- 4) All parties involved in the hearing must avoid undue delay caused by repetitive continuances so that the subject matter of the hearing may be resolved expeditiously. A hearing may for good cause shown (e.g. illness of a vendor or witness, crisis at a facility, severe weather), be continued by the Administrator or Hearing Officer. Notice of the request must be given in writing to the other party and to the Hearing Officer no less than 5 days prior to the scheduled hearing date (in the absence of an emergency).

h) Use of the Record

- 1) Upon completion of the hearing, all records, recommendations, orders, and attached materials shall be placed in a permanent file. This file shall be confidential and only those DORS officials involved in the disciplinary process shall have access to them. In future cases, the legal representative of a vendor may examine such files, but only after the names, addresses, and identifying characteristics of any vendors involved have been removed.

- 2) The Director of DORS reserves the right to submit the record of the Level II Hearing to the appropriate state or federal officials, together with a request that action be taken, if the record discloses that illegal conduct relating to the operation of the facility may have occurred.

Section 650.140 Set-Aside Funds

- a) The collection of set-aside funds shall be based on a schedule of assessment on net proceeds from each facility, including direct or commission income from vending machines assigned to the facility.
- b) DORS may authorize the nominee agency to collect set-aside funds which accrue to DORS from an assessment against the net proceeds of a facility.

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Such charges shall be determined for use as specified in 34 CFR 395.9 (1988).

Section 650.150 Leaves of Absence

a) Medical Leaves

- 1) Medical leaves of five facility business days or less do not require medical documentation; however, the vendor is responsible for ensuring that a trained replacement is operating at the facility.
- 2) Medical leaves of over five facility business days will only be granted if the vendor provides medical documentation to the Supervisor prior to the leave, except in emergency (e.g., personal or family illness, death of family member). The documentation shall consist of a statement from the attending physician explaining the vendor's medical condition and verifying the need for a leave and the length, if known. In the event of a medical emergency which precludes advance notice to the Supervisor, documentation of the illness must be provided to the Supervisor within 15 days after the emergency occurred. Leaves may not end until a medical statement is received by the Supervisor stating that the vendor's return to work is not medically contraindicated.

- 3) Medical leaves shall be granted for no more than six months. If after six months the vendor is unable to return to the facility, an inventory of property and stock will be made and the facility reassigned per Section 650.90.

- 4) When a medical leave is granted, the vendor has the option of retaining management of the facility or temporarily transferring the management of the facility to DORS, subject to the following:

- A) If the vendor retains management of the facility, he/she will receive the net income from the assigned facility during the leave of absence. The replacement person must be approved by the Supervisor or designee.



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B) If the vendor chooses to temporarily transfer management of the facility, an inventory of facility property and stock shall be taken at the time that the medical leave begins, and a temporary person will be assigned to the facility by DORS. Any profits or losses accrue to or are covered from set aside.

5) Should a vendor, due to a medically verifiable reason, be unable to make a decision regarding the operation of his/her facility, the Supervisor using best business judgment, will assign a temporary replacement person for the period the vendor is unavailable, not to exceed 6 months after which time the provisions of subsection (a)(3) of this Section take effect. Operation of the facility will be returned to the vendor upon a physician's written verification that the vendor is able to make a decision regarding operation of the facility.

## b) Personal Leaves

1) A vendor may take up to a total of 15 days of personal leave in any one calendar year.

A) If a vendor takes up to four consecutive days of personal leave at one time, it does not require prior notification to the Supervisor. However, the vendor must provide a trained replacement person.

B) If a vendor takes more than four consecutive days of personal leave at any one time, it requires five days prior notification to the Supervisor. The vendor shall provide a trained replacement person.

C) A vendor may not take more than 15 days of personal leave in any one calendar year, unless the vendor obtains prior written approval of the Supervisor. The vendor shall provide a trained replacement person.

2) Notification to a Supervisor regarding personal leave shall contain the name of the trained replacement and when possible, a telephone number

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and address where the vendor can be located during the leave.

3) The Supervisor has the right to negotiate a different starting date for the leave based on the availability of a trained replacement.

4) During a personal leave, the vendor shall retain management of his/her location and its net income.

5) The replacement selected by the vendor will be reviewed by the Supervisor, or designee, based upon the replacement's abilities to manage the facility as demonstrated by previous experience, and also meet the stipulations of the facility contract. If the Supervisor or designee has questions about the replacement person, he/she will discuss them with the vendor.

6) If the vendor fails to return to the facility upon completion of the leave or fails to obtain prior approval from the Supervisor for an extension, DORS will attempt to contact the vendor by telephone. If no response is received by the second business day, the provisions of Section 650.110 (f)(1) shall become effective.

## Section 650.160 Vending Facilities in Rest Areas

a) Vendors with facilities located in rest areas in accordance with 92 Ill. Adm. Code 534, shall be responsible for all utility costs associated with the business. These utility costs shall be considered a business expense of the facility.

b) The vendor is responsible for maintaining security within his or her own vending facility (e.g., securely locking vending machines).

c) The vendor is responsible for providing liability insurance protection in the following minimum amounts: public liability \$500,000/1 million, property damage \$50,000/100,000 and food products liability \$500,000/1 million.

d) It is the responsibility of the vendor to maintain customer complaint/refund cards in an easily accessible area for customer use. These cards shall



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be furnished to the vendors by DORS. These cards shall be returned to DORS by the customer at an address specified by DORS on the card. DORS shall contact the vendors who will be responsible for refunding the money to the customer.

e) Whenever more than one complaint a day regarding the quality of services or goods, the activities of the vendor or return of lost monies at rest areas is made to DORS by vending customers the vendor must make improvements in vending operations to reduce complaints to below the occurrence of one per day.

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- 1) Heading of the Part: Vending Stand Program for the Blind
- 2) Code Citation: 89 Ill. Adm. Code 650
- 3) Section Numbers: Adopted Action:
  - 650.1 repealed
  - 650.10 repealed
  - 650.20 repealed
  - 650.30 repealed
  - 650.40 repealed
  - 650.50 repealed
  - 650.60 repealed
  - 650.70 repealed
  - 650.90 repealed
  - 650.100 repealed
  - 650.200 repealed
  - 650.500 repealed
  - 650.600 repealed
  - 650.700 repealed
  - 650.1000 repealedAppendix B

4) Statutory Authority: Implementing and authorized by "AN ACT in relation to the operation of vending facilities on public and private property by blind persons, and to repeal certain Acts herein named," (Ill. Rev. Stat. 1989, ch. 23, par. 3331 et seq.)

- 5) Effective Date of Repealer: February 5, 1991
- 6) Does this rulemaking contain an automatic repeal date?
  - Yes ☒ No ☐
- 7) Does this repealer contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 4, 1991
- 9) Notice of Proposal Published in Illinois Register:
  - May 4, 1990, 14 Ill. Reg. 6725 (issue date)

10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:



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- A) Statement of Objection: (issue date) ' Ill. Reg. \_\_\_\_\_
- B) Agency Response: (issue date) ' Ill. Reg. \_\_\_\_\_
- C) Date Agency Response Submitted for Approval to JCAR: \_\_\_\_\_

- 11) Difference(s) between proposal and final version: none
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested.
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No
- Section Numbers Proposed Action Illinois Register Citation
- 15) Summary and Purpose of Rule(s): This Part was repealed so that a new Part 650 can replace these rules to more accurately govern the vending facility program for the blind.
- 16) Information and answers to questions regarding this repealed rule shall be directed to:

Ms. Janice Lobb  
 Regulations and Training Division  
 Department of Rehabilitation Services  
 P.O. Box 19429  
 Springfield, Illinois 62794-9429  
 Telephone number: (217) 785-3896  
 T.D.D.: (217) 782-5734

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- 1) Heading of Part: Casey Municipal Airport Hazard Zoning
- 2) Code Citation: 92 Ill. Adm. Code 27
- 3) Section Numbers: Adopted Action:
- |              |             |
|--------------|-------------|
| 27.10        | New Section |
| 27.20        | New Section |
| 27.30        | New Section |
| 27.40        | New Section |
| 27.50        | New Section |
| 27.60        | New Section |
| 27.70        | New Section |
| 27.80        | New Section |
| 27.90        | New Section |
| 27.100       | New Section |
| 27.110       | New Section |
| 27.120       | New Section |
| 27.130       | New Section |
| 27.140       | New Section |
| 27.EXHIBIT A | New Section |
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 15 1/2 par. 48.17
- 5) Effective date of rules: February 5, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date filed in agency's principal office: January 31, 1991
- 9) Notice of proposal published in Illinois Register:  
 September 21, 1990, 14 Ill. Reg. 15262
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:

The Department hyphenated the word "man-made" in Section 27.20 in the definition of "Minimum Instrument Flight Altitude."



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In Section 27.Exhibit A, the Department updated the Ill. Rev. Stat. citation from "1987" to "1989."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued to JCAR? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules:
- This Part establishes an "airport hazard area" in the vicinity of the Casey Municipal Airport. This Part provides for the safety of aircraft and persons on the ground by governing surfaces and height limitations in respect to structures erected or altered in the vicinity of the airport.

- 16) Information and questions regarding these adopted rules shall be directed to:

Mr. Valjean Smith  
Assistant Chief Counsel  
Department of Transportation  
Division of Aeronautics  
One Langhorne Bond Drive, Capital Airport  
Springfield, Illinois 62706  
(217) 785-5831

The full text of the Adopted Rules begins on the next page:

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TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER b: AERONAUTICS

PART 27  
CASEY MUNICIPAL AIRPORT  
HAZARD ZONING

Section

27.10 Introduction  
27.20 Definitions  
27.30 Surfaces and Height Limitations  
27.40 Use Restrictions  
27.50 Non-Conforming Uses  
27.60 Permits  
27.70 Non-Conforming Structures or Uses or Trees Abandoned or Destroyed  
27.80 Variances  
27.90 Notice of Construction or Alteration  
27.100 Enforcement  
27.110 Appeal and Judicial Review  
27.120 Penalties  
27.130 Conflicting Regulations  
27.140 Severability

EXHIBIT A Proposed Construction Permit Request

AUTHORITY: Implementing and authorized by Section 17 of the Airport Zoning Act (Ill. Rev. Stat. 1989, ch. 15 1/2, par. 48.17).

SOURCE: Adopted at 15 Ill. Reg. 2796, effective February 5, 1991

NOTE: Capitalization denotes statutory language.

Section 27.10 Introduction

- a) This Part regulates and restricts the height of structures and trees, and otherwise regulates the use of property in the vicinity of the Casey Municipal Airport by creating appropriate surfaces, and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such surfaces, defining certain terms used herein; referring to the Casey Municipal Airport zoning map (Note: This zoning map can be viewed at the Department of Transportation



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tation, Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18. Exhibits A, B and C); providing for enforcement; imposing penalties in the interest of public safety and welfare; and providing for notice of construction or alteration.

b) This Part is adopted at the request of the City of Casey, as owner and operator of Casey Municipal Airport, pursuant to the authority conferred by the Airport Zoning Act (Act) (Ill. Rev. Stat. 1989, ch. 15 1/2, pars. 48.1 et seq.). IT IS HEREBY FOUND THAT AN AIRPORT HAZARD ENDANGERS THE LIVES AND PROPERTY OF USERS OF Casey Municipal Airport AND OF OCCUPANTS OF LAND OR PROPERTY IN ITS VICINITY, AND ALSO, IF OF THE OBSTRUCTION TYPE, IN EFFECT REDUCES THE SIZE OF THE AREA AVAILABLE FOR THE LANDING, TAKING-OFF AND MANEUVERING OF AIRCRAFT, THUS TENDING TO DESTROY OR IMPAIR THE UTILITY OF Casey Municipal Airport AND THE PUBLIC INVESTMENT THEREIN.

1) ACCORDINGLY, IT IS DECLARED:

- A) THAT THE CREATION OR ESTABLISHMENT OF AN AIRPORT HAZARD IS A PUBLIC NUISANCE AND AN INJURY TO THE region SERVED BY Casey Municipal Airport;
- B) THAT IT IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, PUBLIC SAFETY AND GENERAL WELFARE THAT THE CREATION OR ESTABLISHMENT OF AIRPORT HAZARDS BE PREVENTED; AND
- C) that the prevention of these hazards SHOULD BE ACCOMPLISHED TO THE EXTENT LEGALLY POSSIBLE, BY THE EXERCISE OF THE POLICE POWER, WITHOUT COMPENSATION.

2) IT IS FURTHER DECLARED THAT BOTH THE PREVENTION OF THE CREATION OR ESTABLISHMENT OF AIRPORT HAZARDS AND THE ELIMINATION, REMOVAL, ALTERATION, MITIGATION, OR MARKING AND/OR LIGHTING OF EXISTING AIRPORT HAZARDS ARE PUBLIC PURPOSES FOR WHICH POLITICAL SUBDIVISIONS MAY RAISE AND EXPEND PUBLIC FUNDS AND ACQUIRE LAND or interests in land. (Section 11 of the Act)

## Section 27.20 Definitions

As used in this Part, unless the context otherwise requires:

"Airport" - The Casey Municipal Airport located near Casey, situated in Section 19, Township 10 North, Range

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14 East of the Second Principal Meridian, Clark County, Illinois; also known as Casey Municipal Airport.

"Airport Elevation" - The established elevation of the highest point on the usable landing strip; the established airport elevation shall be 654 feet above mean sea level (AMSL).

"Airport Hazard" - ANY STRUCTURE, TREE, OR USE OF LAND WHICH OBSTRUCTS THE AIRSPACE REQUIRED FOR, OR IS OTHERWISE HAZARDOUS TO THE FLIGHT OF AIRCRAFT IN LANDING OR TAKING-OFF AT THE AIRPORT. (Section 3 of the Act)

"Airport Reference Point" - The point established as the approximate geographic center of the airport landing area and so designated as at Latitude 39° 18' 11.0" N and Longitude 88° 00' 18.0" W.

"Alteration" - Any construction which would result in a change in height or lateral dimensions of an existing structure.

"Approach, Transitional, Horizontal and Conical Surfaces" - These surfaces are defined in Section 27.30.

"Circling Approach Area" - That obstacle clearance area which shall be considered for aircraft maneuvering to land on a runway which is not aligned with the final approach course of the approach procedure.

"Construction" - The erection or alteration of any structure either of a permanent or temporary character.

"Department" - The Department of Transportation, Division of Aeronautics of the State of Illinois.

"Departure Area" - That area which begins at the departure end of the runway and has a beginning width of 1000' (500' from centerline). The area plays 150 on each side of the extended runway centerline for a distance of 2 Nautical Miles (NM). Additionally, it includes a second surface that extends radially from a point on the runway centerline located 2,000' from the start end of the runway and extends the distance necessary to provide a 40:1 obstacle identification surface to reach the minimum altitudes authorized for en route operations.

"Final Approach Segment" - That area of an approach



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where the aircraft makes final alignment and descent for landing.

"Flight Safety Coordinator" - An employee of the Department whose duties include, but are not limited to inspection of airports, review of complaints concerning uses of property in the vicinity of airports and trees in inspection of structures, uses and trees in the vicinity of airports to determine if such structures, uses or trees impair the use of the airport by aircraft.

"Height" - The overall height of the top of a structure including any appurtenances installed thereon, for the purpose of determining the height limits in all zones set forth in this Part and shown on the zoning map, the datum of which shall be mean sea level elevation unless otherwise specified.

"Initial Approach Segment" - That area of an instrument approach between a point where aircraft departs the enroute phase of flight and is maneuvering to enter an intermediate segment. Such approach segments may be made along an arc, radial, course, heading, radar vector or a combination of thereof.

"Intermediate Approach Segment" - That area of an approach between the initial and final approach segments where the aircraft adjusts configuration, speed and positioning along positive course guidance such as radial or course.

"Landing Area" - The area of the airport used for the landing, taking-off or taxiing of aircraft including the unprepared surfaces adjacent to the existing runways.

"Minimum Instrument Flight Altitude" - An altitude established for instrument flight between radio fixes that provides obstacle clearance over the terrain and man-made objects and adequate for navigational performance and communications requirements.

"Non-Conforming Use" - Any structure, tree, or use of land which is lawfully in existence at the time this Part or an amendment thereto becomes effective and does not then meet the requirements of this Part.

"Non-Precision Instrument Runway" - A runway having an existing instrument approach utilizing air navigation

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facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved by the Federal Aviation Administration [FAA], or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service, military airport planning document.

"Obstacle Clearance" - The vertical distance between the lowest authorized flight altitudes and a prescribed surface within a specified area.

"Permit" - A permit issued by the Department of Transportation, Division of Aeronautics, pursuant to Section 27.60 of this Part.

"Person" - An INDIVIDUAL, FIRM, partnership, CORPORATION, COMPANY, ASSOCIATION, JOINT STOCK ASSOCIATION, OR BODY POLITIC, and includes a TRUSTEE, RECEIVER, ASSIGNEE, administrator, executor, guardian, OR OTHER REPRESENTATIVE, AND INCLUDING THIS STATE and the Division of Aeronautics. (Section 1 of the Act)

"Political Subdivision" - ANY MUNICIPALITY, CITY, INCORPORATED TOWN, VILLAGE, COUNTY, TOWNSHIP, DISTRICT, OR AUTHORITY, OR ANY COMBINATION OF TWO OR MORE THEREOF, situated in whole or in part within any of the surfaces established by Section 27.30. (Section 6 of the Act)

"Precision Instrument Runway" - A precision instrument runway is one which uses an instrument landing system (ILS) or precision approach radar (PAR). A planned precision instrument runway is one for which a precision approach system is indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

"Runway" - An area of the airport designated for the landing or taking off of aircraft and consisting of turf or concrete, asphalt, oil and chip or other composite material that forms an all weather surface other than turf.

"Slope Ratio" - A numerical expression of a stated relationship of height to horizontal distance, e.g. 100



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to 1 means one hundred feet of horizontal distance for each one foot vertically.

"State" - THE STATE OF ILLINOIS. (Section 8 of the Act)

"Structure" - Any form of construction or apparatus of a permanent or temporary character, constructed or installed by man, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

"Terminal Obstacle Clearance Area" - That area near an airport that contains the initial, intermediate and final approach segments, circling and departure areas which are a part of an instrument approach procedure.

"Tree" - Any object of natural growth.

"Utility Runway" - A runway that is constructed for and intended to be used for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" - A grant of relief by the Department from the requirements of this Part, in accordance with Section 27.80.

"Visibility Minimums" - The lowest forward horizontal distance from the cockpit of an aircraft in flight at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.

"Visual Runway" - A visual runway is a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

## Section 27.30 Surfaces and Height Limitations

- a) Establishment and Creation
  - 1) The following airport imaginary surfaces are established with relation to the airport and to

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each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

- 2) Such airport imaginary surfaces are hereby created and established in order to carry out the provisions of this Part. Such surfaces shall include all of the land lying within the horizontal surface, conical surface, primary surface, approach surface to include non-precision instrument approach, precision instrument approach and visual approach, transitional surface and circling approach surface. These surfaces are shown on the Airport Zoning Map (Note: This zoning map can be viewed at the Department of Transportation, Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18. Exhibits A, B and C) for Casey Municipal Airport prepared by Casler, Houser & Hutchison, Inc., Jacksonville, Ill. An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation.

- 3) Except as otherwise provided in this Part, no structure or tree shall be erected, altered, allowed to grow, or maintained in any surface created by this Part to a height in excess of the height limit herein established for such surfaces.
- 4) The various surfaces are hereby established, and height limitations are hereby established for each of the surfaces, as follows:

## b) Horizontal Surface

- 1) A horizontal plane 150 feet above the established airport elevation of 654 feet Above Mean Sea Level (AMSL), the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
  - A) 5,000 feet for all runways designated as utility or visual;
  - B) 10,000 feet for all other runways.
- 2) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for



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and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

- A) 1,250 feet for that end of a utility runway with only visual approaches;
- B) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
- C) 2,000 feet for that end of a utility runway with a non-precision instrument approach;
- D) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths statute mile;
- E) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
- F) 16,000 feet for precision instrument runways.

2) The approach surface extends for a horizontal distance of:

- A) 5,000 feet at a slope of 20 feet horizontally for each foot vertically for all utility and visual runways; at a slope of 34 feet horizontally for each foot vertically for all non-precision instrument runways other than utility; and
- B) 10,000 feet at a slope of 50 feet horizontally for each foot vertically with an additional 40,000 feet at a slope of 40 feet horizontally for each foot vertically for all precision instrument runways.

3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

- f) Transitional Surface - These surfaces extend outward and upward at right (90°) angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of 150 feet above the airport elevation

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either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The horizontal surface does not include the approach and transitional surfaces.

- c) Conical Surface
  - 1) A surface extending outward and upward from the periphery of the horizontal surface, at 150 feet above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.
- 2) The conical surface does not include the approach surfaces to the precision instrument runways and the transitional surfaces.

d) Primary Surface longitudinally centered on a runway.

- 1) When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

- A) 250 feet for utility runways having only visual approaches;
- B) 500 feet for utility runways having non-precision instrument approaches;
- C) For other than utility runways, the width is:
  - i) 500 feet for visual runways having only visual approaches;
  - ii) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute miles;
  - iii) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.

2) The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.

- e) Approach Surface - A surface longitudinally centered on the extended runway centerline and extending outward



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which is 654 feet AMSL. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right (90°) angles to the runway centerline.

g) Circling Approach Surface - This is a surface 200 feet above ground level (AGL) or above the established airport elevation, whichever is greater, within three (3) nautical miles of the established reference point of Casey Municipal Airport and this surface increases in height in the proportion of 100 feet for each additional nautical mile of distance from the airport reference point up to a maximum of 500 feet.

h) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

i) Excepted Height Limitations - Nothing in this Part shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 50 feet above the ground.

## Section 27.40 Use Restrictions

Notwithstanding any other provisions of this Part, no use may be made of land or water within any surface established by this Part as follows:

a) Electrical or Electronic Interference  
1) In such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft.

2) If a complaint of such interference is received by the Department, a Flight Safety Coordinator shall determine if a hazard exists by observing all relevant factors including the type of aircraft using the airport, the traffic patterns at the airport, the time of day and frequency of the interference.

b) Flashing or Illuminated Structures

1) The installation and use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for pilots.

2) In determining whether such a hazard exists, a Flight Safety Coordinator shall consider factors which include, but are not limited to, assessing the difficulty pilots have in distinguishing between airport lights and others, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off or maneuvering of aircraft, the proximity of the illuminated structure to the airport, and the traffic patterns at the airport.

c) Smoke

1) A use which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.

2) In determining if such an emission or discharge of smoke would interfere with the health and safety of pilots and the public, a Flight Safety Coordinator shall consider all relevant factors which include, but are not limited to the density of the smoke, frequency of the emission or discharge, source of the smoke, general weather patterns in the vicinity, time of day, and volume and type of aircraft which use the airport.

## Section 27.50 Non-Conforming Uses

a) Regulations Not Retroactive - Those surface regulations prescribed by this Part shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Part or otherwise interfere with the continuance of any non-conforming use. Nothing contained in this Part shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Part and is diligently prosecuted.

b) Marking and Lighting

1) Notwithstanding the provisions of subsection (a), the owner of any existing non-conforming structure is required to permit the installation, operation and maintenance of such markers and lights as shall be deemed necessary by the Department to



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- limit prescribed for such visual, precision instrument or non-precision instrument approach surfaces.
- 3) In the areas lying within the limits of the transitional surface beyond the perimeter of the horizontal surface, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transitional surface.
- b) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits prescribed by this Part.

Section 27.60 Permits

- a) Future Uses - Except as specifically provided in subsections (1), (2), and (3), no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any surface created unless a permit shall have been applied for and granted by the Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this Part. If such determination is in the affirmative, the permit shall be granted.
- 1) In the area lying within the limits of the horizontal surface and the conical surface, but which is not in violation of height restrictions of primary, transitional and approach surfaces as set forth in this Part, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground or in any approach and transitional surfaces beyond a horizontal distance of 4,200 feet from each end of the runway, except when, because of terrain, land contour or topographic features such tree or structure, would extend above the height limits prescribed for such surface.
- 2) In the areas lying within the limits of visual, precision instrument and non-precision instrument approach surfaces, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height

Section 27.70 Non-Conforming Structures or Uses or Trees Abandoned or Destroyed

- Whenever the Department following a Flight Safety Coordinator's personal inspection, observation and estimation, DETERMINES THAT A NON-CONFORMING STRUCTURE or use or tree HAS BEEN ABANDONED OR MORE THAN 80 PER CENT demolished, DESTROYED, physically DETERIORATED, OR DECAYED:
- a) NO PERMIT SHALL BE GRANTED by the Department THAT WOULD ALLOW SUCH STRUCTURE or use or tree TO EXCEED THE APPLICABLE HEIGHT LIMIT OR OTHERWISE DEVIATE FROM these ZONING REGULATIONS; AND
- b) WHETHER APPLICATION IS MADE FOR A PERMIT, OR NOT, THE DEPARTMENT MAY issue an order pursuant to subsection (c), in cases where the remaining structure or use or tree constitutes a violation of this Part, compelling the OWNER OF THE NON - CONFORMING STRUCTURE or use or tree, AT HIS OWN EXPENSE, TO LOWER, REMOVE, RECONSTRUCT, OR EQUIP SUCH structure or use or tree AS MAY BE NECESSARY TO CONFORM TO these zoning REGULATIONS. IF THE OWNER OF THE NON-CONFORMING STRUCTURE or use or tree SHALL NEGLECT OR REFUSE TO COMPLY WITH SUCH ORDER within ten DAYS AFTER NOTICE THEREOF, THE DEPARTMENT MAY PROCEED TO HAVE such structure or use or tree SO LOWERED, REMOVED, RECONSTRUCTED OR EQUIPPED AND SHALL HAVE A LIEN, ON BEHALF OF THE STATE, UPON THE LAND WHEREON IT IS OR WAS LOCATED, IN THE AMOUNT OF THE COST AND EXPENSE THEREOF. SUCH LIEN MAY BE ENFORCED BY THE DEPARTMENT ON BEHALF OF THE STATE BY suit in equity FOR THE



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- ENFORCEMENT THEREOF AS IN THE CASE OF OTHER LIENS. (Section 23 of the Act)
- c) The Department shall issue an order if it is determined that the non-conforming structure or use or tree interferes with traffic patterns at the airport. In making such a determination the Department shall consider factors which include, but are not limited to, the type of aircraft using the airport, and whether or not the airport has precision instrument or instrument runways.

## Section 27.80 Variances

- a) General - ANY PERSON wishing to erect or increase the height of ANY STRUCTURE, OR PERMIT any GROWTH, OR USE HIS PROPERTY not in accordance with these ZONING REGULATIONS, MAY APPLY TO THE DEPARTMENT FOR A VARIANCE FROM these ZONING REGULATIONS. SUCH VARIANCES SHALL BE ALLOWED WHERE it is found that A LITERAL APPLICATION OR ENFORCEMENT OF these ZONING REGULATIONS WOULD RESULT IN PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP AND THE RELIEF GRANTED WOULD NOT BE CONTRARY TO THE PUBLIC INTEREST BUT WOULD DO SUBSTANTIAL JUSTICE AND BE IN ACCORDANCE WITH THE SPIRIT OF these ZONING REGULATIONS. (Section 24 of the Act)
- b) Marking and Lighting - Any Variance granted by the Department may be so conditioned as to require the owner of such structure or tree to permit, at the expense of the owner, the installation, operation and maintenance of such markers and lights as may be required to indicate to pilots the presence of such structure or tree.
- c) In making the determination to allow variances the Department will consider, but is not limited to considering, the proximity of the hazard to the normal flight path or traffic patterns at the airport, the proximity of other non-conforming uses, structures or trees which would impair the use of the airport, the height of the object, the volume of air traffic at the airport, the type of aircraft using the airport, the type of navigational aids used at the airport, the length and width of existing runways, and plans for future expansion of the airport.

## Section 27.90 Notice of Construction or Alteration

- a) Construction or Alteration Requiring Notice - The

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Department shall be notified by each person (sponsor) who proposes any of the following construction or alterations with respect to the surfaces and height limitations established by Section 27.30 with respect to Casey Municipal Airport:

- 1) Any construction or alteration of more than 200 feet in height above the ground level at its site.
- 2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
  - A) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the airport, with at least one runway more than 3200 feet in actual length.
  - B) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport, with the longest runway not more than 3200 feet in actual length.
- 3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it, would exceed a standard of subsection (a)(1) or (a)(2).
- 4) Any construction or alteration that would exceed a standard of the Act or this Part.
  - b) Construction or Alteration Not Requiring Notice - No person is required to notify the Department for any of the following construction or alterations with respect to Casey Municipal Airport:
    - 1) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
    - 2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device less than 50 feet in height.
    - 3) Any object that would be shielded by permanent and substantial existing structures of equal or



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greater height or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not obstruct or interfere with aircraft using the airport, or cause any additional adverse effect on airport operations by considering the height and location of the existing uses and structures.

- c) Form and Time of Notice
  - 1) Each person who is required to notify the Department under subsection (a) shall forward one executed form set (in four copies) of the Department's Form No. DA-39 (for an example, see Exhibit A) to the Division of Aeronautics, One Langhorne Bond Drive/Capitol Airport, Springfield, Illinois 62706. Copies of this form may be obtained from the Department.
  - 2) Such notice must be submitted at least 30 days before the date the proposed construction or alteration is to begin.
  - 3) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30-day requirement in subsection (c)(2) does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Department Form No. DA-39 submitted within five days. For example, an emergency could include breaks in sewer lines, gas mains or power lines.

## d) Acknowledgment of Notice

- 1) The Department will acknowledge in writing the receipt of such notice submitted under subsection (a) within 30 days of receipt of such notice.
- 2) The acknowledgment will state that a study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
  - A) Would under federal rules require lighting or marking standards as prescribed in Advisory Circular, Department of Transportation, Federal Aviation Administration (FAA), Subject: Obstruction, Marking and Lighting, AC No: 70/7460-1, as provided in 14 CFR 77.11 (b)(3), January 1, 1990, not including any later amendment or editions, and information on how the structure should be marked and lighted in accordance with such

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- B) FAA standards; and/or Would not exceed any standard of the Act or this Part; or
- C) Would exceed a standard of the Act, Aviation Safety Rules (92 Ill. Adm. Code 14), or this Part; or
- D) Would require supplemental information from the sponsor in order for a determination to be made by the Department.

## Section 27.100 Enforcement

It shall be the duty of the Department to administer and enforce this Part. Applications for permits or variances, required by this Part to be submitted to the Department, shall be on forms furnished by the Department and shall be promptly considered and granted or denied.

## Section 27.110 Appeal and Judicial Review

- a) APPEAL - ANY PERSON AGGRIEVED BY ANY DECISION OF THE DEPARTMENT MADE IN ADMINISTRATION OF THIS PART MAY APPLY TO THE DEPARTMENT TO REVERSE, WHOLLY OR PARTLY, OR MODIFY, OR OTHERWISE CHANGE, ABROGATE OR RESCIND ANY SUCH DECISION. THE PROCEDURE PRESCRIBED BY THE ACT FOR PROCEEDINGS BEFORE BOARD OF APPEAL SHALL GOVERN SUCH APPLICATION TO THE DEPARTMENT. (Section 29 of the Act)
- b) Judicial Review - Any person aggrieved, or any taxpayer affected by any decision of the Department may appeal to the Circuit Court of Clark County, Illinois, or Circuit Court of any county in which the airport hazard is wholly or partly located, in accordance with the provisions of an Act entitled The Administrative Review Law (Ill. Rev. Stat. 1989, ch. 110, pars. 3-101 et seq.).

## Section 27.120 Penalties

Each violation of this Part or of ANY REGULATIONS, ORDERS, OR RULINGS PROMULGATED hereunder shall constitute an airport hazard and a PETTY OFFENSE, and such hazard shall be removed by proper legal proceedings and EACH DAY A VIOLATION CONTINUES TO EXIST SHALL CONSTITUTE A SEPARATE OFFENSE. IN ADDITION, THE DEPARTMENT MAY INSTITUTE IN THE Circuit Court of Clark County,



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Illinois, or CIRCUIT COURT OF ANY COUNTY IN WHICH THE AIRPORT HAZARD is wholly or partly LOCATED, AN ACTION TO PREVENT and RESTRAIN, CORRECT OR ABATE, ANY VIOLATION OF these ZONING REGULATIONS, OR OF ANY regulation, ORDER OR RULING MADE IN CONNECTION WITH THEIR ADMINISTRATION OR ENFORCEMENT, AND THE COURT SHALL ADJUDGE SUCH RELIEF BY WAY OF INJUNCTION (WHICH MAY BE MANDATORY) OR OTHERWISE, AS MAY BE PROPER UNDER ALL THE FACTS AND CIRCUMSTANCES OF THE CASE, IN ORDER FULLY TO EFFECTUATE THE PURPOSES OF these zoning REGULATIONS as ADOPTED AND ORDERS AND RULINGS MADE PURSUANT THERETO. (Section 34 of the Act)

Section 27.130 Conflicting Regulations

Where a conflict exists between this Part and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures, or trees, the use of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

Section 27.140 Severability

If any of the provisions of this Part or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part which can be given effect without the invalid provision or application, and to this end, the provisions of this Part are declared to be severable.

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Section 27.Exhibit A Proposed Construction Permit Request

ILLINOIS DEPARTMENT OF TRANSPORTATION  
Division of Aeronautics

Name of Individual or Company  
Making Request  
Address

Street City Zip Phone

Nature and Description of Proposed Structure:

<input type="checkbox"/>	New Construction			
<input type="checkbox"/>	Alteration			
Nearest Town:				
Location from Nearest Town				
Direction	Distance			
Nearest Airport: From Nearest Point to a Runway				
Direction	Distance			
Latitude	Longitude			
0	'	"	'	"

Proposed Heights and Elevations

Site Elevation (Mean Sea Level)	Feet
Highest Point of Structure Above Ground	Feet
Overall Height above Mean Sea Level	Feet
Estimated Construction Starting Date	
Estimated Construction Completion Date	
Type of Structure:	Permanent
Will Structure be Obstruction Lighted:	Yes No
Will Structure be Obstruction Marked:	Yes No
Remarks:	

Date:	Title or Position:	Signature
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The Illinois Department of Transportation is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under Section 1 of the Airport Zoning Act (Ill.Rev.Stat. 1989, ch. 15 1/2, par. 48.1). Disclosure of this information is REQUIRED. Failure to provide any information will result in denial of the construction permit. This form has been approved by the Forms Management Center.  
DA-39 (Rev. 1-87) IL 494-0765



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In Section 57.Exhibit A, the Department updated the Ill. Rev. Stat. citation from the "1987" date to "1989".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued to JCAR? Yes

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rules:

This Part establishes an "airport hazard area" in the vicinity of the Lewis University Airport, near Lockport, Illinois. This Part provides for the safety of aircraft and persons on the ground by governing surfaces and height limitations in respect to structures erected or altered in the vicinity of the airport.

16) Information and questions regarding these adopted rules shall be directed to:

Mr. Valjean Smith  
Assistant Chief Counsel  
Department of Transportation  
Division of Aeronautics  
One Langhorne Bond Drive, Capital Airport  
Springfield, Illinois 62706  
(217) 785-5831

The full text of the Adopted Rules begins on the next page:

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1) Heading of Part: Lewis University Airport Hazard Zoning

2) Code Citation: 92 Ill. Adm. Code 57

3) Section Numbers: Adopted Action:

57.10 New Section  
57.20 New Section  
57.30 New Section  
57.40 New Section  
57.50 New Section  
57.60 New Section  
57.70 New Section  
57.80 New Section  
57.90 New Section  
57.100 New Section  
57.110 New Section  
57.120 New Section  
57.130 New Section  
57.140 New Section  
57.EXHIBIT A

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 15 1/2 par. 48.17

5) Effective date of rules: February 5, 1991

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date filed in agency's principal office: January 31, 1991

9) Notice of proposal published in Illinois Register:

September 21, 1990, 14 Ill. Reg. 15283.

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

The Department changed "manmade" to read "man-made" in Section 57.10 in the definition of "Minimum Instrument Flight Altitude."



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TITLE 92: TRANSPORTATION  
CHAPTER 1: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER b: AERONAUTICSPART 57  
LEWIS UNIVERSITY AIRPORT  
HAZARD ZONING

## Section

- 57.10 Introduction
- 57.20 Definitions
- 57.30 Surfaces and Height Limitations
- 57.40 Use Restrictions
- 57.50 Non-Conforming Uses
- 57.60 Permits
- 57.70 Non-Conforming Structures or Uses or Trees Abandoned or Destroyed
- 57.80 Variances
- 57.90 Notice of Construction or Alteration
- 57.100 Enforcement
- 57.110 Appeal and Judicial Review
- 57.120 Penalties
- 57.130 Conflicting Regulations
- 57.140 Severability

## EXHIBIT A Proposed Construction Permit Request

AUTHORITY: Implementing and authorized by Section 17 of the Airport Zoning Act (Ill. Rev. Stat. 1989, ch. 15 1/2, par. 48.17).

SOURCE: Adopted at 15 Ill. Reg. 2817, effective February 5, 1991.

NOTE: Capitalization denotes statutory language.

## Section 57.10 Introduction

- a) This Part regulates and restricts the height of structures and trees, and otherwise regulates the use of property in the vicinity of the Lewis University Airport by creating appropriate surfaces, and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such surfaces, defining certain terms used herein; referring to the Lewis University Airport zoning map (Note: This zoning map can be viewed at the Department of Transportation, Division of Aeronautics, One Langhorne Bond

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Drive/Capital Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18. Exhibits A, B and C); providing for enforcement; imposing penalties in the interest of public safety and welfare; and providing for notice of construction or alteration.

- b) This Part is adopted at the request of The Joliet Regional Port District, as owner and operator of Lewis University Airport, pursuant to the authority conferred by the Airport Zoning Act (Act) (Ill. Rev. Stat. 1989, ch. 15 1/2, pars. 48.1 et seq.). IT IS HEREBY FOUND THAT AN AIRPORT HAZARD ENDANGERS THE LIVES AND PROPERTY OF USERS OF Lewis University Airport AND OF OCCUPANTS OF LAND OR PROPERTY IN ITS VICINITY, AND ALSO, IF OF THE OBSTRUCTION TYPE, IN EFFECT REDUCES THE SIZE OF THE AREA AVAILABLE FOR THE LANDING, TAKING-OFF AND MANEUVERING OF AIRCRAFT, THUS TENDING TO DESTROY OR IMPAIR THE UTILITY OF Lewis University Airport AND THE PUBLIC INVESTMENT THEREIN.

## 1) ACCORDINGLY, IT IS DECLARED:

- A) THAT THE CREATION OR ESTABLISHMENT OF AN AIRPORT HAZARD IS A PUBLIC NUISANCE AND AN INJURY TO THE region SERVED BY Lewis University Airport;
- B) THAT IT IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, PUBLIC SAFETY AND GENERAL WELFARE THAT THE CREATION OR ESTABLISHMENT OF AIRPORT HAZARDS BE PREVENTED; AND
- C) that the prevention of these hazards SHOULD BE ACCOMPLISHED TO THE EXTENT LEGALLY POSSIBLE, BY THE EXERCISE OF THE POLICE POWER, WITHOUT COMPENSATION.
- 2) IT IS FURTHER DECLARED THAT BOTH THE PREVENTION OF THE CREATION OR ESTABLISHMENT OF AIRPORT HAZARDS AND THE ELIMINATION, REMOVAL, ALTERATION, MITIGATION, OR MARKING AND/OR LIGHTING OF EXISTING AIRPORT HAZARDS ARE PUBLIC PURPOSES FOR WHICH POLITICAL SUBDIVISIONS MAY RAISE AND EXPEND PUBLIC FUNDS AND ACQUIRE LAND or interests in land. (Section 11 of the Act)

## Section 57.20 Definitions

As used in this Part, unless the context otherwise requires:

"Airport" - The Lewis University Airport located near Lockport, in the West 1/2 of Section 15, the Northeast 1/4, and the Southeast 1/4 of the Northwest 1/4 of



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Section 16, Township 36 North, Range 10 East of the Third Principal Meridian, Will County, Illinois.

"Airport Elevation" - The established elevation of the highest point on the usable landing strip; the established airport elevation shall be 672 feet above mean sea level (AMSL).

"Airport Hazard" - ANY STRUCTURE, TREE, OR USE OF LAND WHICH OBSTRUCTS THE AIRSPACE REQUIRED FOR, OR IS OTHERWISE HAZARDOUS TO THE FLIGHT OF AIRCRAFT IN LANDING OR TAKING-OFF AT THE AIRPORT. (Section 3 of the Act)

"Airport Reference Point" - The point established as the approximate geographic center of the airport landing area and so designated as at Latitude 41° 36' 29" N and Longitude 88° 05' 48" W.

"Alteration" - Any construction which would result in a change in height or lateral dimensions of an existing structure.

"Approach, Transitional, Horizontal and Conical Surfaces" - These surfaces are defined in Section 57.30.

"Circling Approach Area" - That obstacle clearance area which shall be considered for aircraft maneuvering to land on a runway which is not aligned with the final approach course of the approach procedure.

"Construction" - The erection or alteration of any structure either of a permanent or temporary character.

"Department" - The Department of Transportation, Division of Aeronautics of the State of Illinois.

"Departure Area" - That area which begins at the departure end of the runway and has a beginning width of 1000' (500' from centerline). The area splays 150' on each side of the extended runway centerline for a distance of 2 Nautical Miles (NM). Additionally, it includes a second surface that extends radially from a point on the runway centerline located 2,000' from the start end of the runway and extends the distance necessary to provide a 40:1 obstacle identification surface to reach the minimum altitudes authorized for en route operations.

"Final Approach Segment" - That area of an approach

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where the aircraft makes final alignment and descent for landing.

"Flight Safety Coordinator" - An employee of the Department whose duties include, but are not limited to inspection of airports, review of complaints concerning uses of property in the vicinity of airports and inspection of structures, uses and trees in the vicinity of airports to determine if such structures, uses or trees impair the use of the airport by aircraft.

"Height" - The overall height of the top of a structure including any appurtenances installed thereon, for the purpose of determining the height limits in all zones set forth in this Part and shown on the zoning map, the datum of which shall be mean sea level elevation unless otherwise specified.

"Initial Approach Segment" - That area of an instrument approach between a point where aircraft departs the enroute phase of flight and is maneuvering to enter an intermediate segment. Such approach segments may be made along an arc, radial, course, heading, radar vector or a combination of thereof.

"Intermediate Approach Segment" - That area of an approach between the initial and final approach segments where the aircraft adjusts configuration, speed and positioning along positive course guidance such as radial or course.

"Landing Area" - The area of the airport used for the landing, taking-off or taxiing of aircraft including the unprepared surfaces adjacent to the existing runways.

"Minimum Instrument Flight Altitude" - An altitude established for instrument flight between radio fixes that provides obstacle clearance over the terrain and man-made objects and adequate for navigational performance and communications requirements.

"Non-Conforming Use" - Any structure, tree, or use of land which is lawfully in existence at the time this Part or an amendment thereto becomes effective and does not then meet the requirements of this Part.

"Non-Precision Instrument Runway" - A runway having an existing instrument approach utilizing air navigation



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facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved by the Federal Aviation Administration [FAA], or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service, military airport planning document.

"Obstacle Clearance" - The vertical distance between the lowest authorized flight altitudes and a prescribed surface within a specified area.

"Permit" - A permit issued by the Department of Transportation, Division of Aeronautics, pursuant to Section 57.60 of this Part.

"Person" - An INDIVIDUAL, FIRM, partnership, CORPORATION, COMPANY, ASSOCIATION, JOINT STOCK ASSOCIATION, OR BODY POLITIC, and includes a TRUSTEE, RECEIVER, ASSIGNEE, administrator, executor, guardian, OR OTHER REPRESENTATIVE, AND INCLUDING THIS STATE and the Division of Aeronautics. (Section 7 of the Act)

"Political Subdivision" - ANY MUNICIPALITY, CITY, INCORPORATED TOWN, VILLAGE, COUNTY, TOWNSHIP, DISTRICT, OR AUTHORITY, OR ANY COMBINATION OF TWO OR MORE THEREOF, situated in whole or in part within any of the surfaces established by Section 57.30. (Section 6 of the Act)

"Precision Instrument Runway" - A precision instrument runway is one which uses an instrument landing system (ILS) or precision approach radar (PAR). A planned precision instrument runway is one for which a precision approach system is indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

"Runway" - An area of the airport designated for the landing or taking off of aircraft and consisting of turf or concrete, asphalt, oil and chip or other composite material that forms an all weather surface other than turf.

"Slope Ratio" - A numerical expression of a stated relationship of height to horizontal distance, e.g. 100 to 1 means one hundred feet of horizontal distance for

each one foot vertically.

"State" - THE STATE OF ILLINOIS. (Section 8 of the Act)

"Structure" - Any form of construction or apparatus of a permanent or temporary character, constructed or installed by man, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

"Terminal Obstacle Clearance Area" - That area near an airport that contains the initial, intermediate and final approach segments, circling and departure areas which are a part of an instrument approach procedure.

"Tree" - Any object of natural growth.

"Utility Runway" - A runway that is constructed for and intended to be used for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" - A grant of relief by the Department from the requirements of this Part, in accordance with Section 57.80.

"Visibility Minimums" - The lowest forward horizontal distance from the cockpit of an aircraft in flight at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.

"Visual Runway" - A visual runway is a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

## Section 57.30 Surfaces and Height Limitations

a)

Establishment and Creation

1) The following airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary



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arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The horizontal surface does not include the approach and transitional surfaces.

- c) Conical Surface
  - 1) A surface extending outward and upward from the periphery of the horizontal surface, at 150 feet above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.
  - 2) The conical surface does not include the approach surfaces to the precision instrument runways and the transitional surfaces.

- d) Primary Surface longitudinally centered on a runway.
  - 1) A surface when the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
    - A) 250 feet for utility runways having only visual approaches;
    - B) 500 feet for utility runways having non-precision instrument approaches;
    - C) For other than utility runways, the width is:
      - i) 500 feet for visual runways having only visual approaches;
      - ii) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute miles;
      - iii) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.

- 2) The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.

- e) Approach Surface - A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An

surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

- 2) Such airport imaginary surfaces are hereby created and established in order to carry out the provisions of this Part. Such surfaces shall include all of the land lying within the horizontal surface, conical surface, primary surface, approach surface to include non-precision instrument approach, precision instrument approach and visual approach, transitional surface and circling approach surface. These surfaces are shown on the Airport Zoning Map (Note: This zoning map can be viewed at the Department of Transportation, Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18. Exhibits A, B and C) for Lewis University Airport prepared by Lester B. Knight & Associates, Inc., Chicago, Ill. An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation.

- 3) Except as otherwise provided in this Part, no structure or tree shall be erected, altered, allowed to grow, or maintained in any surface created by this Part to a height in excess of the height limit herein established for such surfaces.
- 4) The various surfaces are hereby established, and height limitations are hereby established for each of the surfaces, as follows:

- b) Horizontal Surface
  - 1) A horizontal plane 150 feet above the established airport elevation of 672 feet Above Mean Sea Level (AMSL), the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
    - A) 5,000 feet for all runways designated as utility or visual;
    - B) 10,000 feet for all other runways.
  - 2) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot



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approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

- A) 1,250 feet for that end of a utility runway with only visual approaches;
- B) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
- C) 2,000 feet for that end of a utility runway with a non-precision instrument approach;
- D) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths statute mile;
- E) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
- F) 16,000 feet for precision instrument runways.

2) The approach surface extends for a horizontal distance of:

- A) 5,000 feet at a slope of 20 feet horizontally for each foot vertically for all utility and visual runways;
- B) 10,000 feet at a slope of 34 feet horizontally for each foot vertically for all non-precision instrument runways other than utility; and
- C) 10,000 feet at a slope of 50 feet horizontally for each foot vertically with an additional 40,000 feet at a slope of 40 feet horizontally for each foot vertically for all precision instrument runways.

3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

- f) Transitional Surface - These surfaces extend outward and upward at right (90°) angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of 150 feet above the airport elevation which is 672 feet AMSL. Transitional

surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right (90°) angles to the runway centerline.

- g) Circling Approach Surface - This is a surface 200 feet above ground level (AGL) or above the established airport elevation, whichever is greater, within three (3) nautical miles of the established reference point of Lewis University Airport and this surface increases in height in the proportion of 100 feet for each additional nautical mile of distance from the airport reference point up to a maximum of 500 feet.
- h) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.
- i) Excepted Height Limitations - Nothing in this Part shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 50 feet above the ground.

Section 57.40 Use Restrictions

Notwithstanding any other provisions of this Part, no use may be made of land or water within any surface established by this Part as follows:

- a) Electrical or Electronic Interference
  - 1) In such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft.
  - 2) If a complaint of such interference is received by the Department, a Flight Safety Coordinator shall determine if a hazard exists by observing all relevant factors including the type of aircraft using the airport, the traffic patterns at the airport, the time of day and frequency of the interference.
- b) Flashing or Illuminated Structures
  - 1) The installation and use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for pilots.



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- 2) In determining whether such a hazard exists, a Flight Safety Coordinator shall consider factors which include, but are not limited to, assessing the difficulty pilots have in distinguishing between airport lights and others, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off or maneuvering of aircraft, the proximity of the illuminated structure to the airport, and the traffic patterns at the airport.

## c) Smoke

- 1) A use which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.
- 2) In determining if such an emission or discharge of smoke would interfere with the health and safety of pilots and the public, a Flight Safety Coordinator shall consider all relevant factors which include, but are not limited to the density of the smoke, frequency of the emission or discharge, source of the smoke, general weather patterns in the vicinity, time of day, and volume and type of aircraft which use the airport.

## Section 57.50 Non-Conforming Uses

- a) Regulations Not Retroactive - Those surface regulations prescribed by this Part shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Part or otherwise interfere with the continuance of any non-conforming use. Nothing contained in this Part shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Part and is diligently prosecuted.
- b) Marking and Lighting the provisions of subsection (a), the owner of any existing non-conforming structure is required to permit the installation, operation and maintenance of such markers and lights as shall be deemed necessary by the Department to

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indicate to operators of aircraft in the vicinity of the airport, the presence of such airport hazards, all to be performed at the expense of the Joliet Regional Port District.

- 2) In determining the necessity for such markers and lights, the Department shall consider all relevant conditions, including but not limited to, the traffic patterns, volume and type of aircraft at the airport, the general weather patterns in the vicinity, the topography of the airport and the surrounding area, and the height of the structure and its proximity to the approach and transition slopes of the existing runways.

## Section 57.60 Permits

- a) Future Uses - Except as specifically provided in subsections (1), (2), and (3), no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any surface created unless a permit shall have been applied for and granted by the Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this Part. If such determination is in the affirmative, the permit shall be granted.
- 1) In the area lying within the limits of the horizontal surface and the conical surface, but which is not in violation of height restrictions of primary, transitional and approach surfaces as set forth in this Part, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground or in any approach and transitional surfaces beyond a horizontal distance of 4,200 feet from each end of the runway, except when, because of terrain, land contour or topographic features such tree or structure, would extend above the height limits prescribed for such surface.
- 2) In the areas lying within the limits of visual, precision instrument and non-precision instrument approach surfaces, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height



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limit prescribed for such visual, precision instrument or non-precision instrument approach surfaces.

- 3) In the areas lying within the limits of the transitional surface beyond the perimeter of the horizontal surface, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transitional surface.

- b) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits prescribed by this Part.

#### Section 57.70 Non-Conforming Structures or Uses or Trees Abandoned or Destroyed

Whenever the Department following a Flight Safety Coordinator's personal inspection, observation and estimation, DETERMINES THAT A NON-CONFORMING STRUCTURE or use or tree HAS BEEN ABANDONED OR MORE THAN 80 PER CENT demolished, DESTROYED, physically DETERIORATED, OR DECAYED:

- a) NO PERMIT SHALL BE GRANTED by the Department THAT WOULD ALLOW SUCH STRUCTURE or use or tree TO EXCEED THE APPLICABLE HEIGHT LIMIT OR OTHERWISE DEVIATE FROM these ZONING REGULATIONS; AND
- b) WHETHER APPLICATION IS MADE FOR A PERMIT, OR NOT, THE DEPARTMENT MAY issue an order pursuant to subsection (c), in cases where the remaining structure or use or tree constitutes a violation of this Part, compelling THE OWNER OF THE NON - CONFORMING STRUCTURE or use or tree, AT HIS OWN EXPENSE, TO LOWER, REMOVE, RECONSTRUCT, OR EQUIP SUCH structure or use or tree AS MAY BE NECESSARY TO CONFORM TO these zoning REGULATIONS. IF THE OWNER OF THE NON-CONFORMING STRUCTURE or use or tree SHALL NEGLECT OR REFUSE TO COMPLY WITH SUCH ORDER within ten DAYS AFTER NOTICE THEREOF, THE DEPARTMENT MAY PROCEED TO HAVE such structure or use or tree SO LOWERED, REMOVED, RECONSTRUCTED OR EQUIPPED AND SHALL HAVE A LIEN, ON BEHALF OF THE STATE, UPON THE LAND WHEREON IT IS OR WAS LOCATED, IN THE AMOUNT OF THE COST AND EXPENSE THEREOF. SUCH LIEN MAY BE ENFORCED BY THE DEPARTMENT ON BEHALF OF THE STATE BY suit in equity FOR THE

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ENFORCEMENT THEREOF AS IN THE CASE OF OTHER LIENS. (Section 23 of the Act)

- c) The Department shall issue an order if it is determined that the non-conforming structure or use or tree interferes with traffic patterns at the airport. In making such a determination the Department shall consider factors which include, but are not limited to, the type of aircraft using the airport, and whether or not the airport has precision instrument or instrument runways.

#### Section 57.80 Variances

- a) General - ANY PERSON wishing to erect or increase the height of ANY STRUCTURE, OR PERMIT any GROWTH, OR USE HIS PROPERTY not in accordance with these ZONING REGULATIONS, MAY APPLY TO THE DEPARTMENT FOR A VARIANCE FROM these ZONING REGULATIONS. SUCH VARIANCES SHALL BE ALLOWED WHERE it is found that A LITERAL APPLICATION OR ENFORCEMENT OF these ZONING REGULATIONS WOULD RESULT IN PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP AND THE RELIEF GRANTED WOULD NOT BE CONTRARY TO THE PUBLIC INTEREST BUT WOULD DO SUBSTANTIAL JUSTICE AND BE IN ACCORDANCE WITH THE SPIRIT OF these ZONING REGULATIONS. (Section 24 of the Act)
- b) Marking and Lighting - Any Variance granted by the Department may be so conditioned as to require the owner of such structure or tree to permit, at the expense of the owner, the installation, operation and maintenance of such markers and lights as may be required to indicate to pilots the presence of such structure or tree.
- c) In making the determination to allow variances the Department will consider, but is not limited to considering, the proximity of the hazard to the normal flight path or traffic patterns at the airport, the proximity of other non-conforming uses, structures or trees which would impair the use of the airport, the height of the object, the volume of air traffic at the airport, the type of aircraft using the airport, the type of navigational aids used at the airport, the length and width of existing runways, and plans for future expansion of the airport.

#### Section 57.90 Notice of Construction or Alteration

- a) Construction or Alteration Requiring Notice - The Department shall be notified by each person (sponsor)



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who proposes any of the following construction or alterations with respect to the surfaces and height limitations established by Section 57.30 with respect to Lewis University Airport:

- 1) Any construction or alteration of more than 200 feet in height above the ground level at its site.
  - 2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
    - A) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the airport, with at least one runway more than 3200 feet in actual length.
    - B) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport, with the longest runway not more than 3200 feet in actual length.
  - 3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it, would exceed a standard of subsection (a)(1) or (a)(2).
  - 4) Any construction or alteration that would exceed a standard of the Act or this Part.
- b) Construction or Alteration Not Requiring Notice - No person is required to notify the Department for any of the following construction or alterations with respect to Lewis University Airport:
- 1) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
  - 2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device less than 50 feet in height.
  - 3) Any object that would be shielded by permanent and substantial existing structures of equal or greater height or by natural terrain or topographic features of equal or greater height,

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and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not obstruct or interfere with aircraft using the airport, or cause any additional adverse effect on airport operations by considering the height and location of the existing uses and structures.

## c) Form and Time of Notice

- 1) Each person who is required to notify the Department under subsection (a) shall forward one executed form set (in four copies) of the Department's Form No. DA-39 (for an example, see Exhibit A) to the Division of Aeronautics, One Langhorne Bond Drive/Capitol Airport, Springfield, Illinois 62706. Copies of this form may be obtained from the Department.
  - 2) Such notice must be submitted at least 30 days before the date the proposed construction or alteration is to begin.
  - 3) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30-day requirement in subsection (c)(2) does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Department Form No. DA-39 submitted within five days. For example, an emergency could include breaks in sewer lines, gas mains or power lines.
- d) Acknowledgment of Notice
- 1) The Department will acknowledge in writing the receipt of such notice submitted under subsection (a) within 30 days of receipt of such notice.
  - 2) The acknowledgment will state that a study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
    - A) Would under federal rules require lighting or marking standards as prescribed in Advisory Circular, Department of Transportation, Federal Aviation Administration (FAA), Subject: Obstruction, Marking and Lighting, AC No: 70/7460-1, as provided in 14 CFR 77.11 (b)(3), January 1, 1990, not including any later amendment or editions, and information on how the structure should be marked and lighted in accordance with such FAA standards; and/or
    - B) Would not exceed any standard of the Act or



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- this Part; or
- C) Would exceed a standard of the Act, Aviation Safety Rules (92 Ill. Adm. Code 14), or this Part; or
  - D) Would require supplemental information from the sponsor in order for a determination to be made by the Department.

## Section 57.100 Enforcement

It shall be the duty of the Department to administer and enforce this Part. Applications for permits or variances, required by this Part to be submitted to the Department, shall be on forms furnished by the Department and shall be promptly considered and granted or denied.

## Section 57.110 Appeal and Judicial Review

- a) APPEAL - ANY PERSON AGGRIEVED BY ANY DECISION OF THE DEPARTMENT MADE IN ADMINISTRATION OF THIS PART MAY APPLY TO THE DEPARTMENT TO REVERSE, WHOLLY OR PARTLY, OR MODIFY, OR OTHERWISE CHANGE, ABROGATE OR RESCIND ANY SUCH DECISION. THE PROCEDURE DESCRIBED BY THE ACT FOR PROCEEDINGS BEFORE BOARD OF APPEAL SHALL GOVERN SUCH APPLICATION TO THE DEPARTMENT. (Section 29 of the Act)
- b) Judicial Review - Any person aggrieved, or any taxpayer affected by any decision of the Department may appeal to the Circuit Court of Will County, Illinois, or Circuit Court of any county in which the airport hazard is wholly or partly located, in accordance with the provisions of an Act entitled The Administrative Review Law (Ill. Rev. Stat. 1989, ch. 110, pars. 3-101 et seq.).

## Section 57.120 Penalties

Each violation of this Part or of ANY REGULATIONS, ORDERS, OR RULINGS PROMULGATED hereunder shall constitute an airport hazard and a PETTY OFFENSE, and such hazard shall be removed by proper legal proceedings and EACH DAY A VIOLATION CONTINUES TO EXIST SHALL CONSTITUTE A SEPARATE OFFENSE. IN ADDITION, THE DEPARTMENT MAY INSTITUTE IN THE Circuit Court of Will County, Illinois, or CIRCUIT COURT OF ANY COUNTY IN WHICH THE AIRPORT HAZARD is wholly or partly LOCATED, AN ACTION TO PREVENT and

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RESTRAIN, CORRECT OR ABATE, ANY VIOLATION OF these ZONING REGULATIONS, OR OF ANY regulation, ORDER OR RULING MADE IN CONNECTION WITH THEIR ADMINISTRATION OR ENFORCEMENT, AND THE COURT SHALL ADJUDGE SUCH RELIEF BY WAY OF INJUNCTION (WHICH MAY BE MANDATORY) OR OTHERWISE, AS MAY BE PROPER UNDER ALL THE FACTS AND CIRCUMSTANCES OF THE CASE, IN ORDER FULLY TO EFFECTUATE THE PURPOSES OF these zoning REGULATIONS as ADOPTED AND ORDERS AND RULINGS MADE PURSUANT THERETO. (Section 34 of the Act)

## Section 57.130 Conflicting Regulations

Where a conflict exists between this Part and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures, or trees, the use of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

## Section 57.140 Severability

If any of the provisions of this Part or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part which can be given effect without the invalid provision or application, and to this end, the provisions of this Part are declared to be severable.



DEPARTMENT ON AGING  
NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) Section Numbers: 240.1665 Emergency Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat., Ch. 23 Sections 6104.01(4), (9), (11) and (12); 6104.02, 6104.03 and 6105.02
- 5) Effective Date of Amendment(s): February 1, 1991
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date Filed in Agency's Principal Office: January 31, 1991
- 8) Reason for Emergency:

New Community Care Program contracts become effective February 1, 1991. Current rules require that Administrative Compliance Reviews be performed, and a procurement cycle be completed, on one-third of these contracts in the next 18 months (Sections 240.1610 and 240.1635). In order for the Department to meet these required timeframes with its limited resources, it is necessary to streamline the Administrative Review process described in Section 240.1665.

With these emergency changes, the Department on Aging will be able to complete the reviews of the new contracts, to commence in March, over the next thirteen months. This will allow a period of four months for the request for proposals, receipt and review of applications, selection of new contractors, issuance of contracts, and transfer of clients, if appropriate, for the next cycle.

The ability to conduct compliance reviews, to assure services are being delivered in the manner prescribed by rules, is in the utmost interest of the public in general, and Community Care Program clients in particular. The completely unanticipated limitations to Department resources, which necessitate this emergency action, have only been recently imposed as a result of general state budget constraints.

9) A Complete Description of the Subjects and Issues Involved:

ILLINOIS REGISTER 2837  
91  
DEPARTMENT OF TRANSPORTATION  
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Section 57.Exhibit A Proposed Construction Permit Request  
ILLINOIS DEPARTMENT OF TRANSPORTATION  
Division of Aeronautics

Name of Individual or Company Making Request		Street	City	Zip	Phone
Nature and Description of Proposed Structure:					
New Construction					
Alteration					
Nearest Town:					
Location from Nearest Town					
Direction		Distance			
Nearest Airport:					
From Nearest Point to a Runway					
Direction		Distance			
Latitude		Longitude			
0		1		"	
Proposed Heights and Elevations					
Site Elevation (Mean Sea Level)		Feet			
Highest Point of Structure Above Ground		Feet			
Overall Height above Mean Sea Level		Feet			
Estimated Construction Starting Date					
Estimated Construction Completion Date					
Type of Structure:		Permanent			
Will Structure be Obstruction Lighted:		Yes			
Will Structure be Obstruction Marked:		Yes			
Remarks:					

Date: \_\_\_\_\_ Title or Position: \_\_\_\_\_ Signature: \_\_\_\_\_

The Illinois Department of Transportation is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under Section 1 of the Airport Zoning Act (Ill.Rev.Stat. 1989, ch. 15 1/2, par. 48.1). Disclosure of this information is REQUIRED. Failure to provide any information will result in denial of the construction permit. This form has been approved by the Forms Management Center.  
DA-39 (Rev. 1-87) IL 494-0765



## DEPARTMENT ON AGING

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Effective February 1, 1991, there are 292 contracts to provide in-home and adult day care services for the Community Care Program. All agencies under such contract with the Department are affected by this emergency rulemaking.

This emergency rulemaking streamlines the review process so that it will take less time to complete a single review and, hence, the cycle of reviews of one-third of all contracts. Streamlining has been accomplished by consolidating appeals, of the contract action and the findings of the compliance review, into a single process at the conclusion of the review, rather than maintaining the current rule requirement for sequential appeals of first the finding and, second, the contract action. The appeal process remains the same, except that a particular provider will submit any appeal at one time, rather than successively, for review.

10)

Are there any proposed amendments pending on this Part?

Section Numbers	Proposed Action	Illinois Register Citation
240.1400	New Section	12/14/90:14 Ill.Reg. 19415
240.1410	Amendment	12/14/90:14 Ill.Reg. 19415
240.1420	Amendment	12/14/90:14 Ill.Reg. 19415
240.1430	Amendment	12/14/90:14 Ill.Reg. 19415
240.1440	New Section	12/14/90:14 Ill.Reg. 19415
240.1600	Amendment	11/26/90:14 Ill.Reg. 18635
240.1605	Amendment	11/26/90:14 Ill.Reg. 18635
240.1610	Amendment	11/26/90:14 Ill.Reg. 18635
240.1620	Amendment	11/26/90:14 Ill.Reg. 18635
240.1625	Amendment	11/26/90:14 Ill.Reg. 18635
240.1630	Amendment	11/26/90:14 Ill.Reg. 18635
240.1635	Amendment	11/26/90:14 Ill.Reg. 18635
240.1640	Amendment	11/26/90:14 Ill.Reg. 18635
240.1645	Amendment	11/26/90:14 Ill.Reg. 18635
240.1650	Amendment	11/26/90:14 Ill.Reg. 18635
240.1655	Amendment	11/26/90:14 Ill.Reg. 18635
240.1660	Amendment	11/26/90:14 Ill.Reg. 18635
240.1665	Amendment	11/26/90:14 Ill.Reg. 18635
240.1710	New Section	12/14/90:14 Ill.Reg. 19415
240.1720	New Section	12/14/90:14 Ill.Reg. 19415
240.1960	New Section	12/14/90:14 Ill.Reg. 19415
240.2020	Amendment	11/26/90:14 Ill.Reg. 18635

11) Statement of Statewide Policy Objectives: Not applicable

## DEPARTMENT ON AGING

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12) Information and questions regarding this amendment shall be directed to:

Name: Melvin E. Koch  
Policy and Rules Analyst  
Illinois Department on Aging  
421 East Capitol Avenue  
Springfield, IL 62701  
Address:  
Telephone: (217) 785-3356

The full text of the Emergency Amendment(s) begins on the next page:



DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER II: DEPARTMENT ON AGING

PART 240  
COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

Section	Community Care Program
240.100	Department Prerogative
240.110	Services Provided
240.120	Maintenance of Effort
240.130	Program Limitations
240.140	Completed Applications Prior to August 1, 1982 (Repealed)
240.150	Definitions
240.160	

SUBPART B: SERVICE DEFINITIONS

Section	Homemaker Service
240.210	Chore-Housekeeping Service
240.220	Adult Day Care Service
240.230	Information and Referral
240.240	Demonstration/Research Projects
240.250	Case Management Service
240.260	Alternative Provider
240.270	Individual Chore-Housekeeping Provider
240.280	

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section	Applicant/Client Rights and Responsibilities
240.300	Right to Apply
240.310	Nondiscrimination
240.320	Freedom of Choice
240.330	Confidentiality/Safeguarding of Case Information
240.340	Applicant/Client/Authorized Representative Cooperation
240.350	Reporting Changes
240.360	Voluntary Repayment
240.370	

SUBPART D: APPEALS

Section	Appeals and Fair Hearings
240.400	Representation
240.405	When the Appeal May Be Filed
240.410	

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240.415	What May Be Appealed
240.420	Group Appeals
240.425	Informal Review
240.430	Notice of Findings
240.435	Withdrawing an Appeal
240.440	Examining Department Records
240.445	Hearing Officer
240.450	The Hearing
240.455	Continuance of the Hearing
240.460	Postponement
240.465	Dismissal Due to Non-Appeal
240.470	Rescheduling the Appeal Hearing
240.475	Recommendations of Hearing Officer
240.480	The Appeal Decision
240.485	Reviewing the Official Report of the Hearing

SUBPART E: APPLICATION

Section	Application for Community Care Program
240.510	Who May Make Application
240.520	Date of Application
240.530	Statement to be Included on Application
240.540	

SUBPART F: ELIGIBILITY

Section	Eligibility Requirements
240.600	Establishing Eligibility
240.610	Home Visit
240.620	Determination of Eligibility
240.630	Eligibility Decision
240.640	Continuous Eligibility
240.650	Frequency of Redeterminations
240.655	Extension of Time Limit
240.660	

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section	Age
240.710	Determination of Need
240.715	Clients Prior to Effective Date of This Section
240.720	Clients After Effective Date of This Section
240.725	Plan of Care
240.730	Supplemental Information
240.735	Assessment of Need
240.740	



## NOTICE OF EMERGENCY AMENDMENTS

240.750  
240.755  
240.760

Citizenship  
Residence  
Furnishing of Social Security Number

## SUBPART H: FINANCIAL REQUIREMENTS

Section

240.800 Financial Factors  
240.810 Assets  
240.815 Exempt Assets  
240.820 Asset Transfers  
240.825 Income  
240.830 Unearned Income Exemptions  
240.835 Earned Income  
240.840 Potential Retirement, Disability and Other Benefits  
240.845 Family  
240.850 Monthly Average Income  
240.855 Applicant/Client Expense for Care  
240.860 Change in Income  
240.865 Application For Medical Assistance (Medicaid)  
240.870 Determination of Applicant/Client Monthly Expense for Care  
240.875 Client Responsibility

## SUBPART I: DISPOSITION OF DETERMINATION

Section

240.905 Prohibition of Institutionalized Individuals From Receiving Community Care Program Services  
240.910 Written Notification  
240.915 Service Provision  
240.920 Reasons for Denial  
240.925 Frequency of Redeterminations (Renumbered)  
240.930 Suspension of Services  
240.935 Discontinuance of Services to Clients  
240.940 Penalty Payments  
240.945 Notification  
240.950 Reasons for Termination  
240.955 Reasons for Reduction or Change

## SUBPART J: SPECIAL SERVICES

Section

240.1010 Nursing Home Prescreening  
240.1020 Interim Services  
240.1040 Intense Service Provision  
240.1050 Temporary Service Increase

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## SUBPART K: TRANSFERS

Section

240.1110 Individual Transfer Request - Vendor to Vendor - No Change in Service  
240.1120 Individual Transfer Request - Vendor to Vendor - With Change in Service  
240.1130 Individual Transfers - Case Coordination Unit to Case Coordination Unit  
240.1140 Transfer of Pending Applications  
240.1150 Interagency Transfers  
240.1160 Temporary Transfers - Case Coordination Unit to Case Coordination Unit  
240.1170 Caseload Transfer - Vendor to Vendor  
240.1180 Caseload Transfer - Case Coordination Unit to Case Coordination Unit

## SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

Section

240.1210 Administrative Service Contract

## SUBPART M: CASE COORDINATION UNITS AND VENDORS

Section

240.1310 Standard Contractual Requirements for Case Coordination Units and Vendors  
240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts  
240.1330 General Vendor and CCU Responsibilities (Repealed)  
240.1396 Payment for Services (Repealed)  
240.1397 Purchases and Contracts (Repealed)  
240.1398 Safeguarding Case Information (Repealed)  
240.1399 Suspension/Termination of a Vendor or Case Coordination Unit (CCU)

## SUBPART N: CASE COORDINATION UNITS

Section

240.1410 Case Coordination Units  
240.1420 Case Coordination Unit Responsibilities

## SUBPART O: VENDORS

Section

240.1510 Vendor Administrative Minimum Standards  
240.1520 Vendor Responsibilities



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Section  
240.1910 Establishment of Fixed Unit Rates  
240.1920 Contract Specific Variations  
240.1930 Fixed Unit Rates of Reimbursement for Chore-Housekeeping  
and Homemaker Services  
240.1940 Fixed Unit Rates of Reimbursement for Adult Day Care  
Service and Transportation  
240.1950 Adult Day Care Fixed Unit Reimbursement Rates

SUBPART T: FINANCIAL REPORTING

Section  
240.2020 Financial Reporting of Chore-Housekeeping and Homemaker  
Services  
240.2030 Unallowable Costs for Chore-Housekeeping and Homemaker  
Services  
240.2040 Minimum Direct Service Worker Costs for Chore-  
Housekeeping and Homemaker Services  
240.2050 Cost Categories for Chore-Housekeeping and Homemaker  
Services

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging (Ill. Rev. Stat. 1987, ch. 23, pars. 6104.02 and 6104.01(1)).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838 effective, February 1, 1991 for a maximum of 150 days.

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240.1530 General Homemaker Staffing Requirements  
240.1535 Homemaker Staff Positions, Qualifications and  
Responsibilities  
240.1540 General Chore-Housekeeping Staffing Requirements  
240.1545 Chore-Housekeeping Staff Positions, Qualifications and  
Responsibilities  
240.1550 Standard Requirements for Adult Day Care Vendors  
240.1555 General Adult Day Care Staffing Requirements  
240.1560 Adult Day Care Staff Positions, Qualifications and  
Responsibilities  
240.1565 Adult Day Care Satellite Sites  
240.1570 Adult Day Care Service Availability Expansion  
240.1575 Adult Day Care Site Relocation  
240.1580 Standards for Alternative Providers  
240.1590 Standard Requirements for Individual Chore-Housekeeping  
Provider Services

SUBPART P: VENDOR PROCUREMENT

Section  
240.1600 Vendor Procurement  
240.1605 Procuring Vendor Services  
240.1610 Procurement Cycle  
240.1620 Issuance of Vendor Request for Proposal  
240.1625 Content of Vendor Request for Proposal  
240.1630 Criteria for Number of Chore-Housekeeping and Homemaker  
Vendor Contracts Awarded  
240.1635 Evaluation of Vendor Proposals

EMERGENCY  
240.1640 Notification of Vendor Awards  
240.1645 Protest or Objection to Vendor Request for Proposal Award  
Determination  
240.1650 Failure to Maintain Vendor Compliance to Contract  
240.1655 Method of Identification of Type I, II and III Vendor  
Violations  
240.1660 Vendor Compliance During Contract Period  
240.1665 Contract Actions for Failure to Comply with Community  
EMERGENCY Care Program Requirements

SUBPART R: ADVISORY COMMITTEES

Section  
240.1800 Policy Advisory Committee  
240.1850 Technical Rate Review Advisory Committee

SUBPART S: VENDOR RATES



## NOTICE OF EMERGENCY AMENDMENTS

## SUBPART P: VENDOR PROCUREMENT

Section 240.1665 Vendor Sanctions Contract Actions for Failure to Comply with Community Care Program Contract Requirements

a) The Department shall impose sanctions upon any Community Care Program (CCP) contracted vendor who fails to comply with the Department rules/contract requirements (which includes the statements contained in the vendor's proposal).

b) When the Department identifies a vendor's Compliance Review report containing non-compliance findings, the Department shall place that vendor "On Notice" to correct those findings. Vendors shall be advised by the Department. The Department shall send a written announcement accompanied by the Administrative Compliance Review Report to the vendor by certified mail, return receipt requested. The announcement shall clearly state the nature of the non-compliance findings and contract action (refer to subsection (c) below).

c) The length of time the vendor shall be allowed to correct those non-compliance findings shall depend upon the extent of the risk to the health and safety of the CCP clients as stated in Section 240.1650. Contract action to be taken shall be one of the following:

- 1) suspension of referrals for an established period of time; or
  - 2) transfer of client(s) or assign new worker to CCP client(s); or
  - 3) a limited financial compliance audit; or
  - 4) contract termination and transfer of all clients.
- d) Vendors placed "On Notice" shall be advised by the Department. The Department shall send a written announcement accompanied by the Administrative Compliance Review Report to the vendor by certified mail, return receipt requested. The announcement shall clearly state the nature of the non-compliance findings. A control date shall be established which shall be the next work day from the date of vendor receipt of the "On Notice"

## NOTICE OF EMERGENCY AMENDMENTS

~~announcement. The vendor shall be advised of the vendor's right to appeal the compliance findings and contract action. The appeal must be received by the Department on or before the tenth (10th) work date from the notification control date.~~

e) ~~Upon receipt of the "On Notice" announcement of non-compliance, the vendor has the right to file a formal objection thereto with the Department. If an objection is filed, the vendor shall observe the following time frames:~~

1) ~~Type I violation - an objection must be received by the Department on or before the fifth (5th) work day from the control date.~~

2) ~~Type II and Type III violations - an objection must be received by the Department on or before the tenth (10th) work day from the control date.~~

f) ~~Objections shall be addressed, delivered or mailed to:~~

Director  
Attention: General Counsel  
Illinois Department on Aging  
421 East Capitol Avenue  
Springfield, Illinois 62701.

f) ~~The General Counsel, together with appropriate staff of the Department, shall review the appeals and findings by a paper work review of the documentation submitted by the vendor. The review shall determine the validity of the appeals.~~

1) ~~If the non-compliance findings are determined to be invalid, the vendor's appeal shall be sustained and the findings shall be modified or expunged, in whole or in part, from the Administrative Compliance Review Report and evidence thereof placed in the vendor's file. Contract actions shall be adjusted, as appropriate.~~

2) ~~Non-compliance findings determined to be valid shall be upheld.~~



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- 1) ~~If an extension is granted, the Department shall send the written extension by certified mail, return receipt requested.~~
- 2) ~~The announcement of the extension shall state the length of the extension from the original "On Notice" control date.~~
- 3) ~~On or before the twentieth (20th) work day from the expiration of the "On Notice" period or on or before the twentieth (20th) work day from the expiration of the extension, the Department shall conduct an unannounced on-site Compliance Review Close Out Review.~~
- 4) ~~No more than one Compliance Review Close Out Review shall be conducted for the "On Notice" announcement.~~
- 5) ~~The Department shall issue a close-out advisement letter accompanied by the Compliance Review Close Out Report to the vendor by certified mail, return receipt requested, indicating:~~
  - A) ~~the vendor has taken proper corrective action on both the original review sample of client/vendor files and the new review sample of client/vendor files, if available, the "On Notice" is removed, and the compliance score is reduced by one-half; or~~
  - B) ~~the vendor has taken proper corrective action on the original review sample of client/vendor files, but not on a new review sample of client/vendor files, and the compliance score remains at the original level; or~~
  - C) ~~the vendor has not taken proper corrective action on the original review sample of client/vendor files, and the compliance score shall be increased by one and one-half.~~
- 6) ~~There may be variations of the above circumstances regarding availability of new review samples of client/vendor files or other situations where proper compliance testing results in drawing additional sample(s) of client/vendor files in order to conduct a proper compliance testing.~~

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- 3) Results of the appeal shall be presented to the Director for action, to include contract actions as specified in subsection (c) above.
- g) The General Counsel, together with appropriate staff of the Department, shall review the objections and findings by a paper work review of the objection data submitted by the vendor. The paper work review of the objections shall result in an on-site visit by the Department when confirmation of objection data must be tested on-site. The review shall determine the validity of the objections as follows:
  - 1) Findings determined to be invalid shall be expunged from the Administrative Compliance Review Report and evidence thereof placed in the vendor's file.
  - 2) Findings determined to be valid shall be upheld and an Exit Conference may be required within twenty-four (24) work days from the control date established.

The Director shall advise the vendor of the appeal decision. Notification shall be sent to the vendor by certified mail, return receipt requested, and will include any revisions to the compliance findings and/or contract action.

- h) The Department shall provide on-site technical assistance to the vendor on or before the twentieth (20th) calendar day from the control date, if no objection is received. The Department shall make an on-site visit on or before the thirtieth (30th) calendar day from the control date, if an objection is received. The purpose of the on-site visit shall be to provide instruction to the vendor in bringing the findings into compliance.

- i) If the vendor needs additional time to correct non-compliance at the time of the technical assistance on-site visit, the Department may grant an extension of the "On Notice" period for Type II or Type III violations. Such extension shall only be granted in order to complete required physical improvements at an adult day care site. Department required extensions shall be granted in writing by the Department if an on-site visit by the Department is conducted during the course of the On Notice period.



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k) ~~The vendor has the right to object to the findings in the Compliance Review Close Out Report which accompanies the close out advisement letter if such objection is received by the Department on or before the tenth (10th) work day from the newly established control date (i.e., next work day following receipt by vendor of the close out advisement letter).~~

1) ~~If the objection is not received by the above stated time period, the objection shall be denied.~~

2) ~~Objections shall be addressed, delivered or mailed to the Director as specified in subsection (f) above.~~

1) ~~If no objection is filed and the vendor remains out of compliance, the Director shall advise the vendor that contract action will be taken.~~

1) ~~Contract action notification shall be sent to the vendor by certified mail, return receipt requested.~~

2) ~~The contract action control date is the next work day from the date of vendor receipt of the contract action notification.~~

m) ~~If objection to the close out findings is received at the Department on or before the tenth (10th) work day, the General Counsel, together with appropriate staff of the Department, shall review the Compliance Review Close Out Report objections and findings by a paper work review of the objection data submitted by the vendor. The paper work review of the objection shall result in an on-site visit by the Department when confirmation of objection data must be tested on site. The review shall determine the validity of the objection as follows:~~

1) ~~If findings are determined to be valid, they shall be upheld.~~

2) ~~If findings are determined to be invalid, they shall be expunged from the Compliance Review Close Out Report and, if appropriate, from the Compliance Review (On Notice) Report, and evidence thereof placed in the vendor's file.~~

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n) ~~The Director shall advise the vendor of the decision to either sustain vendor's objection or uphold the Department's close out findings.~~

o) ~~If the Department's close out findings are upheld, the Department shall, within five (5) work days from the date of the Director's decision, send a contract action notification to the vendor by certified mail, return receipt requested. The contract action control date is the next work day following vendor receipt of the contract action notification.~~

p) ~~Contract action to be taken shall be one of the following:~~

1) ~~suspension of referrals for an established period of time; or~~

2) ~~transfer of client(s) or assign new worker to CCP client(s); or~~

3) ~~a limited financial compliance audit; or~~

4) ~~contract termination and transfer of all clients.~~

q) ~~The vendor shall be advised of the vendor's right to appeal the contract action. The contract action appeal must be received by the Department on or before the tenth (10th) work day from the contract action notification control date, except for the contract action cited in subsection (p) (4) above. The appeal process applicable to subsection (p) (4) is specified in subsections (x) and (y) below.~~

r) ~~Appeals shall be addressed, delivered or mailed to the Director as specified in subsection (f) above.~~

s) ~~The General Counsel, together with appropriate staff of the Department, shall review the contract action appeal and respond to the Director as follows:~~

1) ~~the contract action is determined to be valid and the contract action is upheld and will be implemented; or~~

2) ~~the contract action is determined to be rescinded, or~~



DEPARTMENT ON AGING

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~~Department on Aging, 421 East Capitol, Springfield, Illinois.~~

~~1) The vendor may bring appropriate representation and written appeal data to this face-to-face conference or appeal.~~

~~2) Appropriate Department staff will be in attendance at the conference or appeal.~~

~~y) The Director shall review the recommended contract action of termination and the Department's written report of the face-to-face conference or appeal and make a final written response to the face-to-face conference or appeal on or before five (5) calendar days from the date of the face-to-face conference or appeal.~~

(Source: Emergency amendment at 15 Ill. Reg. 2838, effective February 1, 1991 for a maximum of 150 days)

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~~3) the contract action is determined to be held in a period of stay, followed by Department confirmation of an on-site review/new review sample of client or vendor files/desk audit resulting in contract action being rescinded or terminated, or~~

~~4) the contract action is determined to be valid and Department confirmation of an on-site review/desk audit resulting in modified/revised contract action.~~

~~t) The General Counsel shall respond to the vendor appeal, setting forth the Director's decision to the appeal. If the contract action is upheld, the contract action shall be implemented.~~

~~u) If no appeal is received by the deadline, the contract action shall be implemented.~~

~~v) The contract action notification shall establish a set time frame for the contract action to be effective. The effective date cannot be prior to forty-five (45) calendar days from the contract action notification control date.~~

~~w) If the contract action resulted in the suspension of intake or the transfer of clients, upon expiration of that contract action, the Department will conduct an on-site review/desk audit to ensure that a vendor is in a compliance status.~~

~~1) The Department will prepare a Contract Action Review Report and shall draw additional sample(s) of client/vendor files in order to conduct a proper compliance testing.~~

~~2) Any contract action other than termination shall result in a Contract Action Review Report.~~

~~x) When a contract action results in a Department decision of termination, the Department will so advise the vendor, in writing, via certified mail, return receipt requested. Included in the written notification will be the effective date of said termination and a Department request for a face-to-face conference or appeal, at a time to be established, to be conducted at Illinois~~



DEPARTMENT OF PROFESSIONAL REGULATION  
NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: The Illinois Nursing Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1300
- 3) Section Numbers:  
1300.30  
Emergency Action:  
Amendment
- 4) Statutory Authority: Ill Rev.Stat.1989, ch. 111, pars. 3519 as amended by P.A. 86-1472, effective January 1, 1991.
- 5) Effective Date of Amendment: February 5, 1991
- 6) If the emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it will expire:
- 7) Date Filed in Agency's Principal Office: February 4, 1990
- 8) Reason for Emergency: P.A. 86-1472, effective January 1, 1991, requires the Department to issue a temporary endorsement permit within 14 days of application to individuals applying for a nurse endorsement license. This rulemaking will allow the Department to begin issuing such permits immediately, thus allowing nurses to begin working as a nurse prior to the endorsement application being processed and a license being issued by the Department.
- 9) A Complete Description of the Subjects and Issues Involved: This rulemaking sets forth procedures for application for a temporary endorsement permit. Applicants will be required to submit both the endorsement licensure application and the temporary endorsement permit application, along with the appropriate fees, in order to receive the permit. Also conditions for termination and extension of the permit are included.

- 10) Are there any proposed Amendments to this Part pending: Yes

Section Numbers	Proposed Action	Illinois Register Citation
1300.30	Amendment	15 Ill. Reg. _____

DEPARTMENT OF PROFESSIONAL REGULATION  
NOTICE OF EMERGENCY AMENDMENT

- 11) Statement of Statewide Policy Objectives: This rulemaking has not impact on local government.
- 12) Information and questions regarding this Amendment shall be directed to:  
  
Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0810

The full text of the Emergency Amendment begins on the next page:



DEPARTMENT OF PROFESSIONAL REGULATION  
NOTICE OF EMERGENCY AMENDMENTS

DEPARTMENT OF PROFESSIONAL REGULATION  
NOTICE OF EMERGENCY AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

Section 1300.30 Licensure by Endorsement  
EMERGENCY

a) Endorsement Application Procedure

- 1) Each applicant shall file a completed, signed application for licensure on the basis of endorsement, on forms supplied by the Department. The application shall include:
  - A) the required fee in Section 23(e) of the Act;
  - B) proof of graduation from a nursing education program which meets the requirements of Section 1300.40; and
  - C) proof of passage of an examination recognized by the Department, upon recommendation of the Committee (i.e., National Council Licensure Examination for Professional Nurses or practical nurses, or State Board Test Pool Examination for professional nurses or practical nurses);
  - D) a complete work history since graduation from a practical nurse education program or a professional nurse education program, whichever came first;
  - E) proof of passage of the Commission on Graduates of Foreign Nursing Schools (CGFNS) Examination is required of all persons licensed in their original jurisdictions subsequent to January 1, 1984, who completed their nursing education program in a country other than the United States or its territories.
  - F) proof of passage of the Test of English as a Foreign Language (TOEFL) with a score of 550 is required of those applicants who submit proof of denial of eligibility to sit for the CGFNS examination and who are licensed in a country other than the United States or its territories if determined educationally prepared in nursing;
  - G) for a practical nurse applicant who has received his practical nursing education in the military service, official transcripts of theory and clinical education prepared by an official of the military. Education must meet the standards for education as set forth in Section 1300.40.
- 2) Verification of licensure status from all states and/or foreign jurisdiction in which licensure has ever been granted.

PART 1300  
THE ILLINOIS NURSING ACT OF 1987

Section	Definitions
1300.10	Application for Examination
1300.20	The Licensure Examination
1300.25	Application for Licensure on the Basis of Examination
1300.27	Licensure by Endorsement
1300.30	EMERGENCY
1300.40	Approval of Programs
1300.41	Approval of Current Nursing Practice Update Course
1300.42	Standards of Professional Conduct for Registered Professional Nurses
1300.43	Standards of Professional Conduct for Licensed Practical Nurses
1300.44	Standards for Pharmacology/Administration of Medication Course for Practical Nurses
1300.45	Renewals
1300.48	Restoration
1300.50	Granting Variances
1300.60	Practice of Nursing
1300.70	Fines

**AUTHORITY:** Implementing The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 60(7)).

**SOURCE:** Adopted at 4 Ill. Reg. 4, p. 290, effective January 14, 1980; amended at 5 Ill. Reg. 801, effective January 7, 1981; codified at 5 Ill. Reg. 11044; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10023, effective August 1, 1982; amended at 9 Ill. Reg. 6297, 1982; amended at 9 Ill. Reg. 13355, effective August 21, 1985; amended at 11 Ill. Reg. 18251, effective October 27, 1987; transferred from Chapter I, 68 Ill. Adm. Code 300 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1300 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2938; amended at 12 Ill. Reg. 12088, effective July 12, 1988; amended at 14 Ill. Reg. 10035, effective June 12, 1990; emergency amendment at 15 Ill. Reg. 2855, effective February 5, 1991, for a maximum of 150 days.



## DEPARTMENT OF PROFESSIONAL REGULATION

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- 3) Credentials of education and licensure, if not in English, shall be accompanied by a certified translation.
- 4) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Department.
- 5) Deficiencies in nursing theory and/or clinical practice may be removed by taking the required course(s) in an approved nursing education program.
- 6) Each applicant for licensure by endorsement who, in connection with his/her original registration, was not tested on subject matter substantially equivalent to that required of Illinois nurses at such time, shall be required to take and pass, before a license will be issued by the Department, that subject matter not previously taken and passed.
- 7) Compliance with the provisions of Sections 1300.25(b)(3) and 1300.25(c)(3) for each registered professional nurse applicant and each practical nurse applicant, respectively, shall be a requirement for Illinois nurse licensure by endorsement.
- 8) Each applicant who graduated from a professional nursing education program after August 1, 1960, must furnish proof of having completed a course in psychiatric nursing with a theory and clinical component.
- 9) Each applicant who graduated from a nursing education program after 1958 must have completed a course in obstetric nursing with a theory and clinical component.
- b) Eligibility for Practical Nurse Endorsement. A candidate who is unable to pass the registered professional nurse examination in another jurisdiction and is allowed to write the practical nurse examination in that jurisdiction and is subsequently licensed as a practical nurse in that jurisdiction is not eligible for endorsement in Illinois unless and until such candidate has graduated from an approved practical nursing education program.
- c) Sections of Examinations Passed in More Than One State Prior to the Implementation of the Single Score Examination. The Department will grant an Illinois license as a registered professional nurse to an individual who has been licensed in another state and who is otherwise qualified for licensure in Illinois, whether or not all areas of the licensure examination were written in the same jurisdiction, if said examination(s) were written subsequent to February 1, 1976. If said examinations were written prior to February 1, 1976, the Department will review the individual's case to determine substantial equivalence under subsection (a)(6), above.

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- d) Individuals applying for licensure by endorsement may apply to the Department on forms provided by the Department to receive a Temporary Endorsement Permit pursuant to P.A. 86-1472. Such permit shall allow the applicant to work pending the issuance of a license by endorsement.
- 1) The temporary endorsement permit application shall include:
  - A) a completed, signed endorsement application, along with the required endorsement licensure fee as set forth in Section 23(e) of the Act. All supporting documents shall be submitted to the Department before a permanent license by endorsement shall be issued;
  - B) photostatic copies of all current active nursing licenses and/or temporary permits/licenses from other jurisdictions. Current active licensure in at least one United States jurisdiction is required; and
  - C) the temporary endorsement permit fee as required in Section 19(b)(3) of this Act.
- 2) The Department shall issue a temporary endorsement permit no later than 14 days after receipt of a completed application as set forth in subsection (1) above.
- 3) Temporary permits shall be terminated upon:
  - A) the issuance of a permanent license by endorsement;
  - B) failure to complete the application process within six (6) months from the date of issuance of the permit;
  - C) a finding by the Department that the applicant has been convicted of any crime under the laws of any jurisdiction of the United States which is a:
    - i) felony; or
    - ii) misdemeanor directly related to the practice of nursing within the last 5 years;
  - D) a finding by the Department that the applicant has had a license or permit related to the practice of nursing revoked, suspended or placed on probation by another jurisdiction, if at least one of the grounds is substantially equivalent to grounds in Illinois, within the last 5 years; or



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Number: Emergency Action:

112.82 Amendment

4) Statutory Authority: Section 9-6 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Par. 9-6)

5) Effective Date of Emergency Amendment: February 4, 1991

6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed in Agency's Principal Office: February 4, 1991

8) Reason for Emergency: The State is facing a shortfall in funds for supportive services for Project Chance participants. The State has no available funds to supplement those already appropriated. If reductions are not made immediately in the cost of supportive services, the State faces a total elimination of supportive services prior to July 1, 1991, when a new budget can be passed for Fiscal Year 1992. One of the large expenditures that is causing this problem is transportation. This emergency amendment will reduce the payments for transportation for all Project Chance participants immediately and thereby allow payments to continue through and beyond July 1, 1991, rather than paying higher transportation expenses for another few months and then completely cutting off transportation payments for one or two months until the new fiscal year. This reduction in transportation payments will take effect immediately and will continue into Fiscal Year 1992 after adoption of the regular rulemaking. This transition into the lower payment rate with no period of time where no payments are being made has been determined by the Department to be in the public interest and welfare.

9) A Complete Description of the Subjects and Issues Involved: This rulemaking reduces the amount the Department will pay a Project Chance participant who must use his/her own car in order to participate in Project Chance from 24¢ per mile to 15¢ per mile or \$300 per month, whichever is less. For initial employment expenses, the maximum payment is \$3.00 per day.

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## DEPARTMENT OF PROFESSIONAL REGULATION

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E) a finding by the Department that the applicant does not meet the licensure requirements for endorsement as set forth in this Section. The Department shall notify the applicant in writing of such termination.

F) The Department shall notify the applicant by certified or registered mail of the intent to deny licensure pursuant to subsection (D) and (E) above and/or Section 25 of the Act.

4) A temporary permit shall be extended beyond the 6-month period, upon recommendation of the Board and approval of the Director, due to hardship as defined below:

- 1) serving full-time in the Armed Forces;
- 2) an incapacitating illness as documented by a currently licensed physician;
- 3) death of an immediate family member or
- 4) extenuating circumstances beyond the applicant's control as approved by the Director.

(Source: Emergency amendment at 15 Ill. Reg. 2855, effective Feb. 5, 1991, for a maximum of 150 days.)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

10) Are there any Proposed Amendments pending to this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

112.9	Amendment	January 18, 1991 (15 Ill. Reg. 371)
112.64	Amendment	December 14, 1990 (14 Ill. Reg. 19568)
112.340	New Section	January 11, 1991 (15 Ill. Reg. 157)

11) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

12) Information and questions regarding this Emergency Amendment shall be directed to:

Name: Anita Williams, Staff Attorney  
Office of the General Counsel

Address: Illinois Department of Public Aid  
Jesse B. Harris Bldg. II, 3rd Flr.  
100 South Grand Avenue East  
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Emergency Amendment begins on the next page:

## DEPARTMENT OF PUBLIC AID

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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112  
AID TO FAMILIES WITH DEPENDENT CHILDREN

## SUBPART A: GENERAL PROVISIONS

Section  
112.1  
112.5

Description of the Assistance Program  
Incorporation By Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section  
112.8  
112.9  
112.10  
112.20  
112.30  
112.40  
112.50  
112.52  
112.54  
112.60  
112.61  
112.62  
112.63  
112.64

Caretaker Relative  
Client Cooperation  
Citizenship  
Residence  
Age  
Relationship  
Living Arrangement  
Social Security Numbers  
Assignment of Medical Support Rights  
Lack of Parental Support or Care  
Death of a Parent  
Incapacity of a Parent  
Continued Absence of a Parent  
Unemployment of the Parent

## SUBPART C: PROJECT CHANCE

Section  
112.70  
112.71  
112.72  
112.73  
  
112.74  
  
112.76  
112.77  
112.78  
112.79  
112.80  
  
112.81

Participation Requirements For Project Chance  
Individuals Exempt From Project Chance  
Project Chance Participation/Cooperation Requirements  
Failure to Participate with the Work Incentive  
Demonstration Program (Renumbered)  
Project Chance Initial Assessment  
Process/Development of an Employability Plan  
Project Chance Orientation  
Conciliation and Fair Hearings  
Project Chance Components  
Project Chance Sanctions  
Good Cause for Failure to Comply With Project Chance  
Participation Requirements  
Responsible Relative Eligibility For Project Chance



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Section	
112.133	Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-Contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion From Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income From Work/Study/Training Program
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers
112.155	AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

Section	
112.250	Grant Levels
112.251	Payment Levels in AFDC
112.252	Payment Levels in AFDC Group I Counties
112.253	Payment Levels in AFDC Group II Counties
112.254	Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section	
112.300	Persons Who May Be Included in the Assistance Unit
112.301	Presumptive Eligibility
112.302	Monthly Reporting
112.303	Retrospective Budgeting
112.304	Budgeting Schedule
112.305	Strikers
112.306	Poster Care Program
112.307	Responsibility of Sponsors of Aliens
112.308	Special Needs Authorizations

Section	
112.82	Project Chance Supportive Services
112.83	Young Parents Program
112.84	Work Experience Evaluation Project
112.85	Four Year College/Vocational Training Demonstration Project
112.86	Project Advance
112.87	Project Advance Experimental and Control Groups
112.88	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
112.89	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
112.90	Project Advance Sanctions
112.91	Good Cause for Failure to Comply with Project Advance
112.93	Individuals Exempt From Project Advance
112.95	Project Advance Supportive Services

SUBPART E: PROJECT ADVANCE

SUBPART F: EXCHANGE PROGRAM

Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.100	Unearned Income
112.101	Unearned Income of Stepparent, Parent or Legal Guardian
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump Sum Payments
112.128	Protected Income
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income



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Section  
112.309 Institutional Status  
112.315 Young Parent Program (Renumbered)  
112.320 Redetermination of Eligibility  
112.330 Twelve Month Extension of Medical Assistance Due to Increased Income from Employment  
112.331 Four Month Extension of Medical Assistance Due to Child Support Collections  
112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)

## SUBPART J: CHILD CARE

Section  
112.350 Child Care  
112.352 Child Care Eligibility  
112.354 Qualified Provider  
112.356 Notification of Available Services  
112.358 Participant Rights and Responsibilities  
112.362 Additional Service to Secure or Maintain Child Care Arrangements  
112.364 Rates of Payment for Child Care  
112.366 Method of Providing Child Care

## SUBPART K: TRANSITIONAL CHILD CARE

Section  
112.400 Transitional Child Care Eligibility  
112.404 Duration of Eligibility for Transitional Child Care  
112.406 Loss of Eligibility for Transitional Child Care  
112.408 Qualified Child Care Providers  
112.410 Notification of Available Services  
112.412 Participant Rights and Responsibilities  
112.414 Child Care Overpayments and Recoveries  
112.416 Fees for Service for Transitional Child Care  
112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 4-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective

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November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 4 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg.



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1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 19, 1986; amended at 10 Ill. Reg. 15621, effective December 12, 1986; amended at 10 Ill. Reg. 21860, effective January 16, 1987; 1986; amended at 11 Ill. Reg. 2280, effective January 30, 1987; amended at 11 Ill. Reg. 3140, effective March 6, 1987; amended at 11 Ill. Reg. 4682, effective March 11, 1987; amended at 11 Ill. Reg. 5223, effective March 20, 1987; amended at 11 Ill. Reg. 6228, effective May 15, 1987; amended at 11 Ill. Reg. 9927, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 6017, effective January 1, 1989; amended at 13 Ill. Reg. 8567, effective April 14, 1989; amended at 13 Ill. Reg. 16006, effective May 22, 1989; amended at 13 Ill. Reg. 16066, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575,

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8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 11391, effective June 27, May 16, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6,



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effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 286, effective February 4, 1991, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART C: PROJECT CHANCE

Section 112.82 Project Chance Supportive Services  
EMERGENCY

- a) AFDC participants involved in Project Chance are eligible to receive supportive service payments to enable them to participate in the program.
- b) During the initial assessment, the supportive services needed by the participant which must be discussed and provided or arranged as needed include at least the following:
  - 1) transportation;
  - 2) child care;
  - 3) job search allowance;
  - 4) initial employment expenses;
  - 5) required books, fees, supplies; and
  - 6) required physical examinations and medical services (e.g., TB test).

- c) Project Chance participation will not be required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source. Supportive services will be made available to the participant at no cost, except for Transitional Child Care (see Sections 112.400 through 112.418).

- d) Eligible Services

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

Section 112.82 Project Chance Supportive Services (Cont'd)  
EMERGENCY

## 1) Transportation

- A) If requested and required (e.g., a participant who does not have an automobile), expenses for transportation will be provided to enable participants to attend Orientation and Assessment meetings.

- B) Transportation expenses are to be paid to permit participation in Project Chance, including travel necessary to locate appropriate child care.

- C) Transportation payments are made at the most reasonable and most economical rate, whichever is less. If the participant's own automobile is used, the established State-rate-per-mile-(~~18~~ 19)-~~24~~ 24-per-mile)-~~15~~ 15 per mile will be approved, which includes all vehicle-related expenses. The maximum transportation allowance is \$300 per month.

## 2) Child Care

- A) If requested and required (e.g., when school is not in session), expenses for child care services will be provided to enable participants to attend Orientation and Assessment meetings.

- B) Child care expenses are to be paid to permit participation in Project Chance (see Section 112.78).

- C) Maximum rates for child care have been established by the Illinois Department of Children and Family Services (DCFS) (see 89 Ill. Adm. Code 356.5(g)). The Department will allow payment of an amount not to exceed the maximum rates per child as established by DCFS.

## 3) Job Search Allowance

- A) An allowance of \$20.00 a month is to be paid to individuals participating in Intensive



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

Section 112.82 Project Chance Supportive Services (Cont'd)  
EMERGENCY

Job Search to assist in the payment of job search-related expenses.

- B) An allowance of \$5.00 a month will be paid to individuals to assist in the payment of job search-related expenses if job search activities are part of another Project Chance component.

4) Mandatory Fees

Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees, are provided to participants enrolled in approved education or training programs (see Section 112.78). A maximum payment of \$300.00 per twelve (12) month period will be provided. No payments are allowed for tuition. (Mandatory fees cannot be paid for self-initiated activities.)

5) Books and Supplies

Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which a participant is enrolled. A maximum payment of \$300.00 per twelve (12) month period can be provided. (Books and supplies cannot be paid for self-initiated activities.)

6) Required Physical Examinations and Medical Services

Payment is permitted for participants to obtain required physical examinations and medical services (e.g., TB test) if the costs are not otherwise provided by sources such as the employer or the training program.

7) Initial Employment Expense

- A) Payment may be provided for employment expenses incurred when requested within thirty (30) calendar days from the date

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

Section 112.82 Project Chance Supportive Services (Cont'd)  
EMERGENCY

employment begins. These expenses are paid on the individual's work days during a thirty (30) calendar day period from the date employment begins.

B) These expenses include,

- i) special clothing (maximum \$200);
- ii) required tools which are not provided by the employer (maximum \$200);
- iii) repairs on an automobile (maximum \$300);
- iv) auto license plate fees;
- v) auto insurance at the cheapest rate; and
- vi) transportation expenses at the most reasonable and most economical rate, whichever is less. If the participant's own car is used, the established State rate per mile of a daily gas allowance based on 20 miles round-trip at the established State rate per mile, whichever is less, 15¢ per mile shall be authorized. A maximum payment of \$3.00 per day shall be approved;

vii) child care

viii) physical examinations prior to employment if not provided by the employer; and

- ix) other required items related to a specific job (maximum \$300).

x) item(s) or service(s) purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00). Item(s) and service(s) may include but are not limited to the purchase of fire



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

Section 112.82 Project Chance Supportive Services (Cont'd)  
EMERGENCY

extinguishers, smoke alarms, first aid kits and installation of a telephone.

- C) Initial employment expenses will not be authorized to purchase fire arms, pay local bonds or traffic tickets, or pay relocation expenses so an individual can accept employment elsewhere.
- D) Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services licensed child care provider.

e) These allowances are exempt from consideration in determining the AFDC grant amount.

f) Ancillary Supportive Services

- 1) In addition to supportive service payments as specified in subsection (b) above, participants are eligible to receive the following ancillary supportive services, if needed and the service is available in the community at no cost to the Department, to enable them to participate in Project Chance:
  - A) vocational rehabilitation;
  - B) emergency intervention services;
  - C) substance abuse or domestic violence programs;
  - D) life skills training activities;
  - E) family planning/sex education;
  - F) parenting skills; and
  - G) family counseling.

- 2) Child care and transportation at the Department's

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

Section 112.82 Project Chance Supportive Services (Cont'd)  
EMERGENCY

established rates may be provided to enable Project Chance participants to receive ancillary supportive services.

- 3) Regarding emergency intervention services, Project Chance staff will refer the participant to the appropriate Local Office for application under the Crisis Assistance Program (see 89 Ill. Adm. Code 116). The need for supportive services will be discussed with the participant when a review of the participant's employability plan is made.

(Source: Emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days)



STATE BOARD OF EDUCATION  
NOTICE OF REFUSAL TO MEET THE OBJECTION  
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

Objection 2

The Joint Committee objected to the fee-waiver rule because school districts are not required to implement the rule until the start of the 1991-1992 school year (Sections 1.245(a)(1) and 1.245(d)(2)(A)).

As originally proposed, the rule required implementation by the start of the 1990-1991 school year. However, because of the length of the rulemaking process, the rule had not been adopted at the start of the 1990-1991 school year. Several public comments were received suggesting that the implementation date be pushed back to the start of the 1991-1992 school year, so that districts would have a reasonable period of time in which to formulate policies complying with the rule. The State Board agreed with this request and changed the implementation date accordingly. Fairness dictates that districts be given a reasonable amount of time after adoption of the final rule to bring their policies into compliance.

The State Board therefore declines to modify the rule.

Objection 3

The Joint Committee objected to the fee-waiver rule because the rule fails to specify that the appeal from a denial of a fee waiver cannot be decided by a subordinate of the person who initially denied the waiver (Section 1.245(d)(3)(B)).

To clarify this point, the State Board has amended the third sentence of Section 1.245(d)(3)(B) to read: "The person who decides the appeal shall not be the same person who initially denied the fee waiver or a subordinate of this person."

STATE BOARD OF EDUCATION  
NOTICE OF REFUSAL AND MODIFICATION TO MEET THE OBJECTION  
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) The Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Numbers:  

1.245(d)(2)	Action: to Modify
1.245(a)(1)	Refusal to Modify
1.245(d)(2)(A)	Refusal to Modify
1.245(d)(3)(B)	Modified
- 4) Date Notice of Proposed Rules Published in the Register (if applicable):  

May 11, 1990, 14 Ill. Reg. 6931
December 28, 1990, 14 Ill. Reg. 21110
- 5) Date JCAR Statement of Objection Published in the Register:
- 6) Summary of Action Taken by the Agency:

Objection 1

The Joint Committee objected to the State Board's rule concerning waiver of school fees because the rule does not require that school districts give parents annual notice of their fee-waiver policies (Section 1.245(d)(2)).

The State Board believes that the rule already requires that districts provide adequate notice of their fee-waiver policies. Notice must be provided: 1) to all parents at the start of the 1991-1992 school year and thereafter to all parents enrolling children in the district for the first time; and 2) in the first bill or notice sent to parents who owe a given fee. A requirement of annual notice to all parents would impose significant additional burdens and costs on districts which are unnecessary in light of the notice requirements already in place.

The State Board therefore declines to modify the rule.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

1) The Heading of the Part: MEDICAL PAYMENT

2) Code Citation: 89 Ill. Adm. Code 140

3) Register Citation to Notice of Proposed Amendment:

December 21, 1990 (14 Ill. Reg. 20170)

4) Date, Time and Location of Public Hearing: The Department of Public Aid will hold a public hearing to receive oral testimony on the Department's proposed amendment to 89 Ill. Adm. Code 140.71, published in the Illinois Register on December 21, 1990, at page 20170. The hearing will commence at 1:00 p.m., on February 28, 1991, in Room D-1, of the William G. Stratton Building, College and Monroe Streets, Springfield, Illinois.

Interested persons are invited to comment.

5) Other Pertinent Information: Not applicable.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
STATE OF ILLINOIS CENTER

ROOM 16-503

CHICAGO, ILLINOIS

10:00 A.M.

FEBRUARY 21, 1991

NOTICE: It is the policy of the Joint Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Joint Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee at the following address:

Joint Committee on Administrative Rules  
509 South Sixth Street  
Room 500  
Springfield, Illinois 62701

AGENDA

I. Approval of January 9, 1991 Minutes

II. Review of Proposed Agency Rulemaking

Carnival - Amusement Safety Board

1. Carnival and Amusement Ride Inspection Law; 56 Ill. Adm. Code 6000

-First Notice Published: 14 Ill. Reg. 2989 - 3-2-90

-Expiration of Second Notice Period: 3-11-91

Department of Central Management Services

2. Conditions of Employment; 80 Ill. Adm. Code 303

-First Notice Published: 14 Ill. Reg. 17399 - 10-26-90

-Expiration of Second Notice Period: 2-4-91

Illinois Community College Board

3. Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501

-First Notice Published: 14 Ill. Reg. 18890 - 11-30-90

-Expiration of Second Notice Period: 3-1-91



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

Department of Commerce and Community Affairs

4. Rural Diversification Program; 14 Ill. Adm. Code 640  
-First Notice Published: 14 Ill. Reg. 13391 - 8-24-90  
-Expiration of Second Notice Period: 2-21-91

Illinois Commerce Commission

5. Right-of-Way Precondemnation Negotiations by Telephone Companies; 83 Ill. Adm. Code 780  
-First Notice Published: 14 Ill. Reg. 13100 - 8-17-90  
-Expiration of Second Notice Period: 2-4-91

6. Reports of Accidents by Fixed Public Utilities Other Than Pipelines Transporting Liquids (G.O. 43); 83 Ill. Adm. Code 220  
-First Notice Published: 14 Ill. Reg. 15653 - 9-28-90  
-Expiration of Second Notice Period: 2-19-91

7. Crossings of Rail Carriers and Highways; 92 Ill. Adm. Code 1535  
-First Notice Published: 14 Ill. Reg. 18177 - 11-9-90  
-Expiration of Second Notice Period: 3-8-91

Office of the Comptroller

8. Claim Eligible to be Offset; 74 Ill. Adm. Code 285  
-First Notice Published: 14 Ill. Reg. 17139 - 10-19-90  
-Expiration of Second Notice Period: 2-1-91

9. Public Radio and Television Station Grants; 74 Ill. Adm. Code 280  
-First Notice Published: 14 Ill. Reg. 18359 - 11-16-90  
-Expiration of Second Notice Period: 3-1-91

Department of Conservation

10. Illinois Bicycle Path Grant Program; 17 Ill. Adm. Code 3040  
-First Notice Published: 14 Ill. Reg. 18380 - 11-16-90  
-Expiration of Second Notice Period: 2-25-91

11. Boat Access Area Construction Program; 17 Ill. Adm. Code 3035  
-First Notice Published: 14 Ill. Reg. 18365 - 11-16-90  
-Expiration of Second Notice Period: 2-25-91

12. Nuisance Wildlife Control Permits; 17 Ill. Adm. Code 525  
-First Notice Published: 14 Ill. Reg. 18397 - 11-16-90  
-Expiration of Second Notice Period: 2-25-91

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

13. The Taking of Wild Turkeys-Spring Season; 17 Ill. Adm. Code 710  
-First Notice Published: 14 Ill. Reg. 18409 - 11-16-90  
-Expiration of Second Notice Period: 2-25-91

14. Sport Fishing Regulations for the Waters of Illinois; 17 Ill. Adm. Code 810  
-First Notice Published: 14 Ill. Reg. 18905 - 11-30-90  
-Expiration of Second Notice Period: 3-4-91

15. White-Tailed Deer Hunting by Use of Muzzleloading Rifles; 17 Ill. Adm. Code 660  
-First Notice Published: 14 Ill. Reg. 19123 - 12-7-90  
-Expiration of Second Notice Period: 3-11-91

Department of Corrections

16. Impact Incarceration Program; 20 Ill. Adm. Code 460  
-First Notice Published: 14 Ill. Reg. 18421 - 11-16-90  
-Expiration of Second Notice Period: 2-21-91

State Board of Elections

17. Raffles Conducted by Political Committees; 26 Ill. Adm. Code 210  
-First Notice Published: 14 Ill. Reg. 3814 - 3-16-90  
-Expiration of Second Notice Period: 3-15-91

Department of Insurance

18. Rules and Rate Filings; 50 Ill. Adm. Code 754  
-First Notice Published: 14 Ill. Reg. 15238 - 9-21-90  
-Expiration of Second Notice Period: 2-11-91

Department of Mental Health and Developmental Disabilities

19. Education and Training; 59 Ill. Adm. Code 108  
-First Notice Published: 14 Ill. Reg. 16718 - 10-12-90  
-Expiration of Second Notice Period: 3-7-91

Department of Professional Regulation

20. Private Detective, Private Alarm and Private Security Act of 1983; 68 Ill. Adm. Code 1240  
-First Notice Published: 14 Ill. Reg. 2456 - 2-16-90  
-Expiration of Second Notice Period: 2-4-91

21. Land Surveyors Act; 68 Ill. Adm. Code 1270  
-First Notice Published: 14 Ill. Reg. 7378 - 5-18-90  
-Expiration of Second Notice Period: 3-4-91



JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Department of Public Aid

22. Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147  
-First Notice Published: 14 Ill. Reg. 15243 - 9-21-90  
-Expiration of Second Notice Period: 2-19-91
23. Medical Payment; 89 Ill. Adm. Code 140  
-First Notice Published: 14 Ill. Reg. 7834 - 5-25-90  
-Expiration of Second Notice Period: 2-21-91
24. Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147  
-First Notice Published: 14 Ill. Reg. 13697 - 8-31-90  
-Expiration of Second Notice Period: 3-11-91
25. Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147  
-First Notice Published: 14 Ill. Reg. 5434 - 4-13-90  
-Expiration of Second Notice Period: 3-14-91
26. Practice in Administrative Hearings; 89 Ill. Adm. Code 104  
-First Notice Published: 14 Ill. Reg. 18705 - 11-26-90  
-Expiration of Second Notice Period: 3-1-91
27. Medical Payment; 89 Ill. Adm. Code 140  
-First Notice Published: 14 Ill. Reg. 18982 - 11-30-90  
-Expiration of Second Notice Period: 3-1-91

Department of Public Health

28. Emergency Medical Service Code; 77 Ill. Adm. Code 535  
-First Notice Published: 14 Ill. Reg. 16237 - 10-5-90  
-Expiration of Second Notice Period: 2-25-91
29. Illinois Home Health Agency Code; 77 Ill. Adm. Code 245  
-First Notice Published: 14 Ill. Reg. 14699 - 9-14-90  
-Expiration of Second Notice Period: 3-11-91

Department of Revenue

30. County Water Commission Retailers' Occupation Tax; 86 Ill. Adm. Code 630  
-First Notice Published: 14 Ill. Reg. 17879 - 11-2-90  
-Expiration of Second Notice Period: 3-11-91

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

31. County Water Commission Service Occupation Tax; 86 Ill. Adm. Code 640  
-First Notice Published: 14 Ill. Reg. 17887 - 11-2-90  
-Expiration of Second Notice Period: 3-11-91
32. County Water Commission Use Tax; 86 Ill. Adm. Code 650  
-First Notice Published: 14 Ill. Reg. 17894 - 11-2-90  
-Expiration of Second Notice Period: 3-11-91
33. Motor Fuel Tax; 86 Ill. Adm. Code 500  
-First Notice Published: 14 Ill. Reg. 17897 - 11-2-90  
-Expiration of Second Notice Period: 3-11-91
34. Service Occupation Tax; 86 Ill. Adm. Code 140  
-First Notice Published: 14 Ill. Reg. 17916 - 11-2-90  
-Expiration of Second Notice Period: 3-11-91
35. Repeal of County Supplementary Retailers' Occupation Tax Act; 86 Ill. Adm. Code 600  
-First Notice Published: 14 Ill. Reg. 18195 - 11-9-90  
-Expiration of Second Notice Period: 3-11-91
36. Repeal of County Supplementary Service Occupation Tax; 86 Ill. Adm. Code 610  
-First Notice Published: 14 Ill. Reg. 18208 - 11-9-90  
-Expiration of Second Notice Period: 3-11-91
37. Repeal of County Supplementary Use Tax; 86 Ill. Adm. Code 620  
-First Notice Published: 14 Ill. Reg. 18217 - 11-9-90  
-Expiration of Second Notice Period: 3-11-91
38. Municipal Service Occupation Tax Regulations; 86 Ill. Adm. Code 280  
-First Notice Published: 14 Ill. Reg. 17908 - 11-2-90  
-Expiration of Second Notice Period: 3-11-91

Department of Rehabilitation Services

39. Disability Case Development Process; 89 Ill. Adm. Code 843  
-First Notice Published: 14 Ill. Reg. 12212 - 7-27-90  
-Expiration of Second Notice Period: 3-11-91
40. Sequential Evaluation Process for the Determination of Disability; 89 Ill. Adm. Code 845  
-First Notice Published: 14 Ill. Reg. 12240 - 7-27-90  
-Expiration of Second Notice Period: 3-11-91



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

State Employees' Retirement System

41. Administration and Operation of the State Employees' Retirement System of Illinois; 80 Ill. Adm. Code 1540  
 -First Notice Published: 14 Ill. Reg. 18712 - 11-26-90  
 -Expiration of Second Notice Period: 3-11-91

Office of the State Fire Marshal

42. Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances; 41 Ill. Adm. Code 170  
 -First Notice Published: 14 Ill. Reg. 12373 - 8-3-90  
 -Expiration of Second Notice Period: 1-31-91

Department of State Police

43. Drug Asset Forfeiture Procedure Act; 20 Ill. Adm. Code 1225  
 -First Notice Published: 14 Ill. Reg. 16847 - 10-12-90  
 -Expiration of Second Notice Period: 3-11-91

Department of Transportation

44. Nonscheduled Bus Inspections; 92 Ill. Adm. Code 456  
 -First Notice Published: 14 Ill. Reg. 17535 - 10-26-90  
 -Expiration of Second Notice Period: 2-21-91

## III. Certification of No Objection to Proposed Rulemaking

## IV. Review of Emergency Rulemaking and Peremptory Rulemaking

Department of Agriculture

45. Meat and Poultry Inspection Act; 8 Ill. Adm. Code 125 (Peremptory)  
 -Notice Published: 14 Ill. Reg. 21060 - 12-28-90

46. Agrichemical Facilities; 8 Ill. Adm. Code 255 (Emergency)  
 -Notice Published: 15 Ill. Reg. 128 - 1-4-91

47. Meat and Poultry Inspection Act; 8 Ill. Adm. Code 125 (Peremptory)  
 -Notice Published: 15 Ill. Reg. 620 - 1-18-91

Department of Central Management Services

48. Pay Plan; 80 Ill. Adm. Code 310 (Peremptory)  
 -Notice Published: 15 Ill. Reg. 663 - 1-18-91

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

Department of Public Aid

49. Aid to Families with Dependent Children; 89 Ill. Adm. Code 112 (Emergency)  
 -Notice Published: 15 Ill. Reg. 338 - 1-11-91
50. Medical Assistance Programs; 89 Ill. Adm. Code 120 (Emergency)  
 -Notice Published: 15 Ill. Reg. 348 - 1-11-91

51. Medical Payment; 89 Ill. Adm. Code 140 (Emergency)  
 -Notice Published: 15 Ill. Reg. 592 - 1-18-91

52. Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113 (Emergency)  
 -Notice Published: 15 Ill. Reg. 1111 - 1-25-91

53. Drug Manual; 89 Ill. Adm. Code 141 (Emergency)  
 -Notice Published: 15 Ill. Reg. 1121 - 1-25-91

Department of Public Health

54. Testing of Breath, Blood and Urine for Alcohol and/or Other Drugs; 77 Ill. Adm. Code 510 (Emergency)  
 -Notice Published: 15 Ill. Reg. 612 - 1-18-91

## V. Agency Responses to Joint Committee Statements of Objection

Department of Commerce and Community Affairs

55. State Administration of the Federal Community Development Block Grant Program for Small Cities; 47 Ill. Adm. Code 110  
 -First Published: 14 Ill. Reg. 10985 - 7-13-90  
 -Objection Date: 11-13-90  
 -Response: Refusal

Department of Corrections

56. Health Care; 20 Ill. Adm. Code 415  
 -First Published: 14 Ill. Reg. 15228 - 9-21-90  
 -Objection Date: 12-13-90  
 -Response: Refusal



JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

State Board of Education

57. Evaluation, Recognition and Supervision; 23 Ill. Adm. Code 1  
-First Published: 14 Ill. Reg. 6931 - 5-11-90  
-Objection Date: 12-13-90  
-Response: 2 Obj - Refusal  
1 Obj - Modification

Department of Insurance

58. Health Maintenance Organization Definitions; 50 Ill. Adm. Code 6101  
-First Published: 13 Ill. Reg. 20205 - 12-29-89  
-Objection Date: 12-13-90  
-Response: Modification

59. Minimum Standards for Individual and Group Medicare Supplement Insurance; 50 Ill. Adm. Code 2008  
-First Published: 14 Ill. Reg. 10247 - 6-29-90  
-Objection Date: 10-11-90  
-Response: Agreement

Department of Mental Health and Developmental Disabilities

60. Mental Health Clinic Program Standards and Provider Requirements; 59 Ill. Adm. Code 130  
-First Published: 14 Ill. Reg. 18100 - 11-2-90  
-Objection Date: 12-13-90  
-Response: Refusal

61. Minimum Standards for Certification of Developmental Training Programs; 59 Ill. Adm. Code 119  
-First Published: 14 Ill. Reg. 3356 - 3-9-90  
-Objection Date: 9-13-90  
-Response: Failure to Respond

Department of Public Aid

62. Medical Payment; 89 Ill. Adm. Code 140  
-First Published: 14 Ill. Reg. 14317 - 9-7-90  
-Objection Date: 12-13-90  
-Response: Obj - Modification  
Rec - Disagree

63. Medical Payment; 89 Ill. Adm. Code 140  
-First Published: 14 Ill. Reg. 14184 - 8-31-90  
-Objection Date: 10-11-90  
-Response: Refusal

ILLINOIS REGISTER  
JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

64. Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147  
-First Published: 14 Ill. Reg. 14203 - 8-31-90  
-Objection Date: 10-11-90  
-Response: Refusal

Department of Rehabilitation Services

65. Advisory Councils; 89 Ill. Adm. Code 515  
-First Published: 14 Ill. Reg. 9370 - 6-15-90  
-Objection Date: 10-11-90  
-Response: Obj - Modification  
Rec - Agreement

VI. Exempt Rulemakings

Pollution Control Board

66. Primary Drinking Water Standards; 35 Ill. Adm. Code 611  
-Proposed Date: 10-05-90  
-Adopted Date: 12-11-90

VII. Incorporation by Reference



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the week of January 28, 1991 through February 1, 1991, and have been scheduled for review by the Committee at its February 21, 1991 and March, 1991 meetings. Other items not contained in this published list may also be considered by the Joint Committee at its February and March meetings. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JC&R
3/15/91	State Board of Elections, Raffles Conducted by Political Committees (26 Ill. Adm. Code 210)	3/16/90 14 Ill. Reg. 3814	February 21, 1991
3/15/91	Department of Public Aid, Aid to Families with Dependent Children (89 Ill. Adm. Code 112)	12/14/90 14 Ill. Reg. 19568	March, 1991
3/15/91	Department of Public Aid, Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)	12/14/90 14 Ill. Reg. 19581	March, 1991

EXECUTIVE ORDER  
91-2

VACATION AND SICK LEAVE POLICY

Whereas, the Personnel Rules of the State of Illinois authorize the payment of unused vacation and sick leave time to State employees who resign from state service after a four-day waiting period;

Whereas, it has come to my attention that this rule has been interpreted to allow an employee to resign from State employment in order to obtain payment for unused vacation and sick time with the agreement that he will then immediately be rehired for the same position; and

Whereas, this practice is not the intent of the Personnel Rule and violates the spirit of the rule;

Now, Therefore, I hereby order as follows:

All heads of all state agencies, boards and commissions under my control are hereby ordered to (1) require employees to set forth their reasons for resignation in writing; (2) examine all tendered resignations and any reinstatements of State employees; and (3) refuse to approve resignations and reinstatements which are solely for the purpose of cashing in unused vacation and sick time.

I further order the Department of Central Management Services to revise the Personnel Rules in accordance with this order.

This order shall take effect immediately.

Issued by the Governor February 1, 1991.

Filed with the Secretary of State February 1, 1991.

91-3

REVOCATION OF EXECUTIVE ORDER NO. 5 OF 1980

I hereby revoke Executive Order Number 5 of 1980.

This order shall take effect immediately.

Issued by the Governor January 31, 1991.

Filed with the Secretary of State January 31, 1991.



## PROCLAMATION

91-008

CARDIAC REHABILITATION WEEK  
(Revised)

Whereas, cardiovascular diseases continue to be the number one cause of death in our nation today; and

Whereas, medical research supports the premise that cardiovascular disease mortality can be decreased by reducing cardiovascular disease risk factors through regular exercise, blood pressure control, cholesterol reduction, smoking cessation, and stress management; and

Whereas, cardiac rehabilitation provides an opportunity for cardiac patients to return to optimal physical, psychological, social, and occupational health through supervised exercise and cardiovascular disease risk factor education and modification; and

Whereas, there are more than 100 organized cardiac rehabilitation programs in the State of Illinois. The American Association of Cardiovascular and Pulmonary Rehabilitation and the Illinois Society for Cardiac Health and Rehabilitation are sponsoring Cardiac Rehabilitation Week February 10-16, 1991; and

Whereas, the event aims to increase awareness of cardiac rehabilitation and the opportunities that it provides for improved cardiovascular health and quality of life for cardiac patients;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 10-16, 1991, as CARDIAC REHABILITATION WEEK in Illinois, in recognition of the role that cardiac rehabilitation programs play in the prevention and treatment of cardiovascular diseases.

Issued by the Governor January 25, 1991.

Filed with the Secretary of State February 4, 1991.

91-018

## FOUR CHAPLAINS SUNDAY

"Surely the astounding and beautiful fact about human existence is that transfiguring times may come to the commonest or simplest person, that suddenly some undistinguished, negligible man or woman who never said or did anything notable before may be caught up in unaccountable glory and made a beacon for mankind." --St. John Ervine

Whereas, February 3, 1991, marks the 48th anniversary of "Four Chaplains Sunday," one of the most inspiring acts of heroism in World War II; and

Whereas, in a final act of love and dedication, four U.S. Army Chaplains representing the Methodist, Roman Catholic, Jewish, and Dutch Reformed faiths, gave their own life jackets,

the only ones that remained, to four lifeboats. The four chaplains then linked arms and prayed as they sank with the torpedoed U.S.S. Dorchester in the North Atlantic; and

Whereas, each year a memorial program is sponsored by the Combined Veterans Association of Illinois. This year it is hosted by the Jewish War Veterans, of the U.S.A.;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 3, 1991, as FOUR CHAPLAINS SUNDAY in Illinois, in an effort to perpetuate the memory of these men who so convincingly demonstrated their boundless love for others.

Issued by the Governor January 25, 1991.

Filed with the Secretary of State February 4, 1991.

91-019

## STATE ACTIVITY PROFESSIONALS DAY

Whereas, activity professionals have contributed significantly to improving our state's institutionalized and service-dependent senior citizens; and

Whereas, activity professionals work with health care professionals, care providers, and regulatory agencies to enhance the lives of our citizens served by nursing homes, convalescent hospitals, senior centers, retirement homes, and adult day care programs; and

Whereas, activity professionals help provide programs in community involvement, mental stimulation, community service, and help the elderly maintain normal life pursuits through activities designed to meet the needs of individuals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 25, 1991, as STATE ACTIVITY PROFESSIONALS DAY in Illinois to increase public awareness of the role these important individuals play in improving the quality of life for the senior citizens in our state and our nation.

Issued by the Governor January 25, 1991.

Filed with the Secretary of State February 4, 1991.

91-020

## AMERICAN HISTORY MONTH

Whereas, the Seventy-First General Assembly on July 17, 1959, specified that the month of February of each year be designated as American History Month in the State of Illinois; a month set apart to promote the study of American history; and

Whereas, the United States is one of the greatest industrial countries of the world. Its mineral and agricultural resources are tremendous, and it has practically all the resources necessary for self-sufficiency; and

Whereas, the United States has been referred to as the "melting pot" of nations, as its population represents an influx of people from countries throughout the world; and



people's awareness of the contribution of Catholic schools to America;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 27 - February 2, 1991, as CATHOLIC SCHOOLS WEEK and Wednesday, January 30, as NATIONAL APPRECIATION DAY in Illinois.

Issued by the Governor January 29, 1991.  
Filed with the Secretary of State February 4, 1991.

91-023  
COMMUNITY ASSOCIATIONS DAY

Whereas, Community Association Institute (CAI) is a national, nonprofit membership organization for those interested in community associations; and

Whereas, CAI has been serving the needs of the community association since its establishment in 1973; and

Whereas, CAI is dedicated to excellence in every facet of community associations, being the only organization serving the unique needs of those involved in common-interest communities and the only source of vital training and certification programs in its field; and

Whereas, CAI is committed to representing and involving all groups that are associated with community associations, including public officials, builders, developers, attorneys, accountants, insurance agents, property managers, and the homeowners themselves;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 2, 1991, as COMMUNITY ASSOCIATIONS DAY in Illinois in recognition of the contributions of this valuable organization.

Issued by the Governor January 29, 1991.  
Filed with the Secretary of State February 4, 1991.

91-024  
FFA WEEK

Whereas, agriculture is Illinois' largest industry and is vital to the future progress and prosperity of our state; and

Whereas, the future of Illinois depends upon the continuous training of future leaders and responsible citizens; and

Whereas, more than 10,800 members of the FFA in Illinois are studying agriculture education; and

Whereas, the FFA embodies the ideals and principles inherent to the American way of life; and

Whereas, the Illinois FFA's 1990-1991 theme, "A New Decade Of Leadership," highlights the innovative ideas taking place in agriculture education and the value of education and experience received by agriculture education students; and

Whereas, "Leadership For A Growing Planet," has been chosen

Whereas, the government of the United States is that of a federal republic, set up by the Constitution adopted by the Federal Constitutional Convention of 1787; and

Whereas, Americans should reflect upon their great heritage through the study of American history;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1991 as AMERICAN HISTORY MONTH in Illinois. I urge all citizens to take note of this nation's heritage and growth and those individuals who have contributed so much to American history.

Issued by the Governor January 29, 1991.  
Filed with the Secretary of State February 4, 1991.

91-021  
BLACK NURSES' DAY

Whereas, black nurses from all areas of the nursing profession seek to continue their commitment and dedication of service to this highly respected profession; and

Whereas, black nurses directly and indirectly influence the health care of people in Illinois, the United States, and around the world; and

Whereas, since the inception of the National Black Nurses' Association, Inc., in Akron, Ohio, in 1971, members have adhered to the philosophy of "Excellence of Service"; and

Whereas, the National Black Nurses' Association, Inc. continues to perpetuate a public awareness of the outstanding contributions made by black nurses in the nursing profession and to the health care industry;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1, 1991, as BLACK NURSES' DAY in Illinois, and I wish the National Black Nurses' Association, Inc. success in all of its endeavors.

Issued by the Governor January 29, 1991.  
Filed with the Secretary of State February 4, 1991.

91-022  
CATHOLIC SCHOOLS WEEK/NATIONAL APPRECIATION DAY

Whereas, Catholic schools have existed for many years and have educated millions of students; and

Whereas, a high percentage of Catholic school students go to college; and

Whereas, the National Catholic Education Association this year will again sponsor a national day of appreciation for Catholic schools; and

Whereas, this yearly observance celebrates the achievements of Catholic schools and promotes parental choice in the selection of schools; and

Whereas, on January 30, 1991, the NCEA seeks to heighten



as the national FFA theme to demonstrate FFA members' concerns about saving our environment;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 18-25, 1991, as FFA WEEK in Illinois and urge citizens to support the dedication and efforts of the Illinois Association FFA.

Issued by the Governor January 29, 1991.

Filed with the Secretary of State February 4, 1991.

## 91-025

## LITHUANIAN INDEPENDENCE DAY

Whereas, the members of the Lithuanian Council of Chicago are observing the 73rd anniversary of Lithuania's independence; and Whereas, Lithuania's history as a nation dates back to the 13th century; and

Whereas, its independence was interrupted by the nefarious agreement between Hitler and Stalin; and

Whereas, the Lithuanian people are currently engaged in a courageous and determined struggle to regain their independence from Soviet occupation; and

Whereas, Lithuanian Americans have played a significant part in the progress of Illinois and have proudly shared their cultural heritage with us; and

Whereas, we are grateful for their contributions to Illinois and to our individual lives;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 16, 1990, as LITHUANIAN INDEPENDENCE DAY in Illinois, commemorating the anniversary of this special day of independence.

Issued by the Governor January 29, 1991.

Filed with the Secretary of State February 4, 1991.

## 91-026

## SMILES FOR LITTLE CITY MONTH

Whereas, Little City, a nonsectarian, not-for-profit center in Palatine, provides residential treatment to nearly 300 children and adults with mental retardation and other developmental challenges; and

Whereas, 32 years ago, a small group of parents planned a center to provide professional care and a happy home for their children and others like them. The parents purchased land in Palatine and began building Little City. Today, Little City Foundation is nationally known for its outstanding educational, vocational, recreational, residential, and health and wellness programs; and

Whereas, during the month of May, citizens in the Chicagoland area will again have the opportunity to "Smile for Little City" and exchange "Happy Face" smile stickers for donations to benefit

people with mental retardation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1991 as SMILES FOR LITTLE CITY MONTH in Illinois. I urge all citizens to participate in this project to aid these special people.

Issued by the Governor January 29, 1991.

Filed with the Secretary of State February 4, 1991.

## 91-027

## INTERNATIONAL WEEK

Whereas, the International Student Council at Southern Illinois University at Carbondale is celebrating its 10th anniversary of cultural, social, and educational contributions to the community; and

Whereas, SUIC has student representation from 105 countries and ranks 11th in the nation in foreign enrollment; and

Whereas, the International Student Council is sponsoring an "International Festival" February 8, 9, and 10, which will offer cultural exhibitions and activities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim the week of February 4-10, 1991, as INTERNATIONAL WEEK in Illinois and encourage citizens to take part in these activities and ceremonies.

Issued by the Governor January 30, 1991.

Filed with the Secretary of State February 4, 1991.

## 91-028

## LITERACY VOLUNTEER WEEK

Whereas, the Literacy Volunteers of America, Inc. is sponsoring National Literacy Volunteer Week February 3-9, 1991, to promote public awareness of the services provided by volunteer tutors; and

Whereas, Illinois has been a leader in the effort to address the problem of illiteracy in a coordinated way, bringing together professionals and volunteers to better meet the needs of adult nonreaders; and

Whereas, thousands of volunteers have dedicated their time to work in one-on-one partnerships with adult students, giving these students the attention, consideration and respect they need and deserve; and

Whereas, the Illinois economy is increasingly dependent upon high technology and information-based industries, thereby making the ability to read and write essential to full participation in the workplace and in society;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 3-9, 1991, as LITERACY VOLUNTEER WEEK in Illinois. I commend the volunteer tutors who are the backbone of the state's literacy program and encourage public support for the



Illinois literacy effort.  
Issued by the Governor January 30, 1991.  
Filed with the Secretary of State February 4, 1991.

91-029  
OPERATION DESERT STORM DAY

Whereas, more than 2,500 Illinoisans are protecting the right of freedom by serving as military personnel in Operation Desert Storm in the Persian Gulf; and

Whereas, citizens should make a strong effort to show their support for our brave troops; and

Whereas, the Jaycees, VFW and American Legion Post of Troy are sponsoring a Operation Desert Storm Support Rally on February 2, 1991, at the Veterans Memorial in Tri-Township Park; and

Whereas, the rally will show our troops how invaluable they are to us;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 2, 1991, as OPERATION DESERT STORM DAY in Illinois and urge citizens to take part in activities and ceremonies designed to show support and appreciation of our troops.

Issued by the Governor January 30, 1991.

Filed with the Secretary of State February 4, 1991.

91-030  
SCHOOL COUNSELING WEEK

Whereas, school counselors play a critical and vital role in shaping student's academic, personal, and professional goals and successes; and

Whereas, learning must be nurtured, directed, and focused through sound guidance, counseling, and instruction; and

Whereas, Sylvan Learning Centers are joining school counselors as partners in the development of human potential through effective academic instruction and counseling; and

Whereas, school counselors seek to guide students toward their full potential in school and in their personal relationships for a lifetime of learning;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 3-9, 1991, as SCHOOL COUNSELING WEEK in Illinois and urge citizens to take part in recognition activities to show our support and appreciation.

Issued by the Governor January 30, 1991.

Filed with the Secretary of State February 4, 1991.

91-031

UNITED STATES AIR FORCE MILITARY AIRLIFT COMMAND BAND DAY

Whereas, the United States Air Force Military Airlift Command Band has performed before millions of Americans and has traveled extensively throughout the Midwestern United States; and

Whereas, the United States Air Force Military Airlift Command Band is comprised of talented professionals from all over the United States; and

Whereas, the United States Air Force Military Airlift Command Band has been instrumental in promoting goodwill through free public concerts;

Therefore, I, Jim Edgar, Governor of the State of Illinois, do hereby proclaim Thursday, January 31, 1991, as UNITED STATES AIR FORCE MILITARY AIRLIFT COMMAND BAND DAY in Illinois in recognition of the contribution of the United States Air Force to the State of Illinois.

Issued by the Governor January 30, 1991.

Filed with the Secretary of State February 4, 1991.







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510.120 n (P-13072/90; A-2673)  
510.130 n (P-13072/90; A-2673)  
510.140 n (P-13072/90; A-2673)  
510.150 n (P-13072/90; A-2673)  
510.160 n (P-13072/90; A-2673)  
510.170 n (P-13072/90; A-2673)  
510.175 n (P-13072/90; A-2673)  
510.180 n (P-13072/90; A-2673)  
510.185 n (P-13072/90; A-2673)  
510.190 n (P-13072/90; A-2673)  
510.195 n (P-13072/90; A-2673)  
510.200 n (P-13072/90; A-2673)  
510.205 n (P-11022/90; A-973)  
510.210 n (P-11022/90; A-973)  
540.110 n (P-11022/90; A-973)  
540.120 n (P-11022/90; A-973)  
540.130 n (P-11022/90; A-973)  
540.140 n (P-11022/90; A-973)  
540.150 n (P-11022/90; A-973)  
540.160 n (P-11022/90; A-973)  
540.170 n (P-11022/90; A-973)  
540.180 n (P-11022/90; A-973)  
540.190 n (P-11022/90; A-973)  
550.20 am (P-8782/90; A-1798)  
550.30 am (P-8782/90; A-1798)  
550.35 am (P-8782/90; A-1798)  
550.40 am (P-8782/90; A-1798)  
550.50 am (P-8782/90; A-1798)

**TITLE 8**  
125.10 am (PP-620; W-1574) (P-1583)  
125.30 am (PP-620; W-1574) (P-1583)  
125.40 am (PP-620; W-1574) (P-1583)  
125.50 am (PP-620; W-1574) (P-1583)  
125.60 am (PP-620; W-1574) (P-1583)  
125.80 am (PP-620; W-1574) (P-1583)  
125.90 am (PP-620; W-1574) (P-1583)  
125.100 am (PP-620; W-1574) (P-1583)  
125.110 am (PP-620; W-1574) (P-1583)  
125.120 am (PP-620; W-1574) (P-1583)  
125.130 am (PP-620; W-1574) (P-1583)  
125.140 am (PP-620; W-1574) (P-1583)  
125.150 am (PP-620; W-1574) (P-1583)  
125.160 am (PP-620; W-1574) (P-1583)  
125.170 am (PP-620; W-1574) (P-1583)  
125.180 am (PP-620; W-1574) (P-1583)  
125.190 am (PP-620; W-1574) (P-1583)  
125.200 am (PP-620; W-1574) (P-1583)  
125.210 am (PP-620; W-1574) (P-1583)  
125.220 am (PP-620; W-1574) (P-1583)  
125.230 am (PP-620; W-1574) (P-1583)  
125.240 am (PP-620; W-1574) (P-1583)  
125.250 am (PP-620; W-1574) (P-1583)  
125.260 am (PP-620; W-1574) (P-1583)  
125.270 am (PP-620; W-1574) (P-1583)  
125.280 am (PP-620; W-1574) (P-1583)  
125.290 am (PP-620; W-1574) (P-1583)  
125.300 am (PP-620; W-1574) (P-1583)  
125.305 am (PP-620; W-1574) (P-1583)  
125.310 am (PP-620; W-1574) (P-1583)  
125.320 am (PP-620; W-1574) (P-1583)  
125.330 am (PP-620; W-1574) (P-1583)  
125.340 am (PP-620; W-1574) (P-1583)  
125.350 am (PP-620; W-1574) (P-1583)  
125.360 am (PP-620; W-1574) (P-1583)  
125.370 am (PP-620; W-1574) (P-1583)



TITLE 17 (CONT'D)		TITLE 32		TITLE 33 (CONT'D)		TITLE 35 (CONT'D)	
830.70	am	(P-2057)	am	226.684	am	(P-11068/90; A-40)	703.210
830.80	am	(P-2057)	am	226.720	am	(P-11068/90; A-40)	703.211
830.90	am	(P-2057)	am	226.730	am	(P-11068/90; A-40)	703.212
1590.50	am	(P-16174/90; A-32)	am	250.70	am	(P-11447/90; A-463)	720.111
1590.80	am	(P-16174/90; A-32)	am				721.104
1590.90	am	(P-16174/90; A-32)	am				721.106
2520.50	am	(P-725)	am				721.111
4160.10	n	(P-1680)	am				721.120
4160.20	n	(P-1680)	am				721.121
4160.30	n	(P-1680)	am				721.122
4160.40	n	(P-1680)	am				721.123
4160.50	n	(P-1680)	am				721.124
4160.60	n	(P-1680)	am				721.131
4160.70	n	(P-1680)	am				721.132
4160.80	n	(P-1680)	am				721.133
4160.90	n	(P-1680)	am				721.134
4160.100	n	(P-1680)	am				721.135
4160.110	n	(P-1680)	am				721.136
4160.120	n	(P-1680)	am				721.137
4160.130	n	(P-1680)	am				721.138
4160.140	n	(P-1680)	am				721.139
4160.150	n	(P-1680)	am				721.140
4160.160	n	(P-1680)	am				721.141
4160.170	n	(P-1680)	am				721.142
4160.180	n	(P-1680)	am				721.143
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350.3730	am	(P-9833/90; A-466)	590.Ap. D	n	(P-8503/90; A-1833)	730.405	r	(P-1650)	430.100	am	(P-1724)
350.3750	am	(P-9833/90; A-466)	710.210	w	(P-428)	730.406	r	(P-1650)	430.110	am	(P-1724)
350.3770	am	(P-9833/90; A-466)	1130.Ap. A	n	(P-6457/90; A-2597)	730.407	r	(P-1650)	430.120	am	(P-1724)
350.3780	am	(P-9833/90; A-466)	2058.105	am	(P-6457/90; A-2597)	730.408	r	(P-1650)	430.130	am	(P-1724)
350.3810	am	(P-9833/90; A-466)	2058.110	am	(P-6457/90; A-2597)	730.409	r	(P-1650)	430.160	am	(P-1724)
350.3880	am	(P-9833/90; A-466)	2058.120	am	(P-6457/90; A-2597)	730.410	n	(P-1627)	430.180	am	(P-1724)
350.3900	am	(P-9833/90; A-466)	2058.125	am	(P-6457/90; A-2597)	730.415	n	(P-1627)	430.190	am	(P-1724)
350.3940	am	(P-9833/90; A-466)	2058.230	am	(P-6457/90; A-2597)	730.420	n	(P-1627)	430.200	am	(P-1724)
350.4010	am	(P-9833/90; A-466)	2058.235	am	(P-6457/90; A-2597)	730.425	n	(P-1627)	432.100	am	(P-1777)
350.4010	am	(P-9833/90; A-466)	2058.303	am	(P-6457/90; A-2597)	730.430	n	(P-1627)	432.110	am	(P-1777)
350.4010	am	(P-9833/90; A-466)	2058.306	am	(P-6457/90; A-2597)	730.435	n	(P-1627)	432.120	am	(P-1777)
350.Tb. D	am	(P-9833/90; A-1878)	2058.312	am	(P-6457/90; A-2597)	730.440	n	(P-1627)	432.160	am	(P-1748)
350.Tb. E	am	(P-9833/90; A-1878)	2058.315	am	(P-6457/90; A-2597)	730.445	n	(P-1627)	435.100	am	(P-1748)
390.1030	am	(P-9833/90; A-1878)	2058.318	am	(P-6457/90; A-2597)	730.450	n	(P-1627)	435.120	am	(P-1748)
390.3220	am	(P-9833/90; A-1878)	2058.319	am	(P-6457/90; A-2597)	730.500	n	(P-1627)	435.130	am	(P-1748)
390.3240	am	(P-9833/90; A-1878)	2058.321	am	(P-6457/90; A-2597)	730.501	n	(P-1650)	435.140	am	(P-1748)
390.3260	am	(P-9833/90; A-1878)	2058.327	am	(P-6457/90; A-2597)	730.502	r	(P-1650)	435.160	am	(P-1748)
510.10	am	(P-418)	2058.330	am	(P-6457/90; A-2597)	730.503	r	(P-1650)	435.170	am	(P-1748)
510.60	am	(P-418)	2058.333	am	(P-6457/90; A-2597)	730.504	r	(P-1650)	435.180	am	(P-1748)
510.110	am	(P-418)	2058.342	am	(P-6457/90; A-2597)	730.505	r	(P-1650)	435.190	am	(P-1748)
510.120	am	(P-418)	2058.344	am	(P-6457/90; A-2597)	730.506	r	(P-1650)	435.200	am	(P-1748)
510.130	am	(P-10665/90; A-1084)	2058.348	am	(P-6457/90; A-2597)	730.507	r	(P-1650)	435.210	am	(P-1748)
540.65	am	(P-10665/90; A-1084)	2058.354	am	(P-6457/90; A-2597)	730.508	r	(P-1650)	435.220	am	(P-1748)
540.90	am	(P-10665/90; A-1084)	2058.366	am	(P-6457/90; A-2597)	730.509	r	(P-1650)	440.90	am	(P-13429/90; A-117)
540.100	am	(P-10665/90; A-1084)	2058.400	am	(P-6457/90; A-2597)	730.510	n	(P-1627)	450.10	am	(P-13434/90; A-122)
540.200	am	(P-10665/90; A-1084)	2058.405	am	(P-6457/90; A-2597)	730.511	n	(P-1650)	3000.100	n	(P-433)
550.100	n	(P-10665/90; A-1068)	2058.410	am	(P-6457/90; A-2597)	730.515	r	(P-1650)	3000.110	n	(P-433)
550.110	n	(P-10665/90; A-1068)	2058.415	am	(P-6457/90; A-2597)	730.520	n	(P-1627)	3000.120	n	(P-433)
550.120	n	(P-10665/90; A-1068)	2058.600	am	(P-6457/90; A-2597)	730.525	n	(P-1627)	3000.130	n	(P-433)
550.130	n	(P-10665/90; A-1068)	2058.705	am	(P-6457/90; A-2597)	730.530	n	(P-1627)	3000.140	n	(P-433)
590.10	r	(P-8493/90; A-1830)	2058.805	am	(P-6457/90; A-2597)	730.535	n	(P-1627)	3000.150	n	(P-433)
590.10	n	(P-8493/90; A-1830)	2058.805	am	(P-6457/90; A-2597)	730.540	n	(P-1627)	3000.160	n	(P-433)
590.20	r	(P-8493/90; A-1830)	2058.900	am	(P-6457/90; A-2597)	730.600	n	(P-1627)	3000.170	n	(P-433)
590.20	n	(P-8493/90; A-1830)	2530.Ap. B	am	(P-17428/90; A-1821)	730.601	r	(P-1650)	3000.200	n	(P-433)
590.30	r	(P-8493/90; A-1830)		am	(P-663)	730.602	r	(P-1650)	3000.210	n	(P-433)
590.30	r	(P-8493/90; A-1830)		am	(P-663)	730.603	r	(P-1650)	3000.220	n	(P-433)
590.40	r	(P-8493/90; A-1830)		am	(P-1627)	730.604	r	(P-1650)	3000.230	n	(P-433)
590.40	r	(P-8493/90; A-1830)		am	(P-1650)	730.605	r	(P-1650)	3000.240	n	(P-433)
590.50	r	(P-8493/90; A-1830)		am	(P-1627)	730.606	r	(P-1650)	3000.250	n	(P-433)
590.100	r	(P-8493/90; A-1830)		am	(P-1650)	730.607	r	(P-1650)	3000.260	n	(P-433)
590.100	n	(P-8493/90; A-1830)		am	(P-1650)	730.608	r	(P-1650)	3000.400	n	(P-433)
590.110	r	(P-8493/90; A-1830)		am	(P-1650)	730.609	r	(P-1650)	3000.410	n	(P-433)
590.110	n	(P-8493/90; A-1830)		am	(P-1627)	730.610	r	(P-1650)	3000.500	n	(P-433)
590.120	n	(P-8493/90; A-1830)		am	(P-1650)	730.611	r	(P-1650)			
590.120	n	(P-8493/90; A-1830)		am	(P-1650)	730.700	n	(P-1627)			
590.130	r	(P-8493/90; A-1830)		am	(P-1650)	730.701	r	(P-1627)			
590.130	n	(P-8493/90; A-1830)		am	(P-1650)	730.702	r	(P-1650)			
590.140	n	(P-8493/90; A-1830)		am	(P-1627)	730.703	r	(P-1650)			
590.140	n	(P-8493/90; A-1830)		am	(P-1650)	730.705	n	(P-1627)			
590.140	n	(P-8493/90; A-1830)		am	(P-1650)	730.710	n	(P-1627)			
590.200	n	(P-8493/90; A-1830)		am	(P-1650)	730.715	n	(P-1627)			
590.210	n	(P-8493/90; A-1830)		am	(P-1650)	730.720	n	(P-1627)			
590.220	n	(P-8493/90; A-1830)		am	(P-1650)	730.725	n	(P-1627)			
590.230	n	(P-8493/90; A-1830)		am	(P-1650)	730.801	n	(P-1650)			
590.240	n	(P-8493/90; A-1830)		am	(P-1650)	730.802	n	(P-1650)			
590.240	n	(P-8493/90; A-1830)		am	(P-1650)	730.803	r	(P-1650)			
590.310	n	(P-8493/90; A-1830)		am	(P-1650)	730.804	r	(P-1650)			
590.320	n	(P-8493/90; A-1830)		am	(P-1650)	730.805	r	(P-1650)			
590.330	n	(P-8493/90; A-1830)		am	(P-1650)						
590.330	n	(P-8493/90; A-1830)		am	(P-1650)						
590.400	n	(P-8493/90; A-1830)		am	(P-1650)						
590.410	n	(P-8493/90; A-1830)		am	(P-1650)						
590.420	n	(P-8493/90; A-1830)		am	(P-1650)						
590.Ap. A	n	(P-8493/90; A-1830)		am	(P-1650)						
590.Ap. B	n	(P-8493/90; A-1830)		am	(P-1650)						
590.Ap. C	n	(P-8493/90; A-1830)		am	(P-1650)						
590.Ap. D	n	(P-8493/90; A-1830)		am	(P-1650)						



**TITLE 89 (CONT'D)**

113.253	am	(P-1715)	147.150	am	(P-13967/90; A-2715)
113.260	am	(P-1715)	147.205	am	(P-13967/90; A-2715)
113.303	am	(P-15701/90; A-277)	147.Tb.C	n	(P-870)
114.9	am	(P-394)	147.Tb.D	n	(P-870)
114.402	am	(P-15712/90; A-288)	147.Tb.E	n	(P-870)
120.61	am	(P-159) (E-348)	147.Tb.F	n	(P-870)
120.72	am	(P-159) (E-348)	147.Tb.G	n	(P-870)
120.74	am	(P-159) (E-348)	147.Tb.H	n	(P-870)
120.319	am	(P-833)	147.Tb.I	n	(P-870)
120.320	am	(P-833)	149.150	am	(P-15722/90; A-1826)
120.321	am	(P-833)	160.5	am	(P-806)
120.322	am	(P-833)	160.10	am	(P-806)
120.323	am	(P-833)	160.20	am	(P-806)
120.386	am	(P-159) (E-348)	160.70	am	(P-17436/90; A-1034)
130.16	am	(P-847)	240.1665	am	(E-2838)
140.413	am	(P-406) (E-592)	431.2	am	(P-4303/90; A-24)
140.420	am	(P-1414)	431.3	am	(P-4303/90; A-24)
140.421	am	(P-1414)	431.5	am	(P-4303/90; A-24)
140.475	am	(P-847)	562.30	am	(P-161)
140.485	am	(P-14317/90; O-21120/90; RC-21124/90; RC-21135/90; M-368; A-298)	650.1	r	(P-6725/90; A-2794)
140.486	r	(P-14317/90; A-298)	650.10	n	(P-6683/90; A-2740)
140.487	am	(P-14317/90; A-298)	650.11	r	(P-6725/90; A-2794)
140.488	n	(P-14317/90; A-298)	650.20	n	(P-6683/90; A-2740)
140.523	am	(P-14681/90; A-1051)	650.30	r	(P-6725/90; A-2794)
140.562	am	(P-13963/90; O-17718/90; R-366)	650.40	n	(P-6683/90; A-2740)
140.569	am	(P-7834/90; A-18813/90; C-1174)	650.50	r	(P-6725/90; A-2794)
140.662	am	(P-14317/90; A-298)	650.60	n	(P-6683/90; A-2740)
140.Tb.A	r	(P-14317/90; A-298)	650.70	r	(P-6725/90; A-2794)
140.Tb.D	am	(P-1414)	650.80	n	(P-6683/90; A-2740)
141.560	am	(P-831) (E-1121)	650.90	n	(P-6683/90; A-2740)
141.680	am	(P-831) (E-1121)	650.100	n	(P-6725/90; A-2794)
141.760	am	(P-831) (E-1121)	650.110	r	(P-6683/90; A-2740)
141.1125	am	(P-831) (E-1121)	650.120	n	(P-6683/90; A-2740)
141.1200	am	(P-831) (E-1121)	650.130	n	(P-6683/90; A-2740)
141.1240	am	(P-831) (E-1121)	650.140	n	(P-6683/90; A-2740)
141.1520	am	(P-831) (E-1121)	650.150	n	(P-6683/90; A-2740)
141.1840	am	(P-831) (E-1121)	650.160	n	(P-6683/90; A-2740)
141.1880	am	(P-831) (E-1121)	650.200	n	(P-6683/90; A-2740)
141.2040	am	(P-831) (E-1121)	650.500	r	(P-6725/90; A-2794)
141.2400	am	(P-831) (E-1121)	650.600	r	(P-6725/90; A-2794)
141.2520	am	(P-831) (E-1121)	650.700	r	(P-6725/90; A-2794)
141.2640	am	(P-831) (E-1121)	650.1000	r	(P-6725/90; A-2794)
141.2920	am	(P-831) (E-1121)	650.Ap.B	r	(P-6725/90; A-2794)
141.3320	am	(P-831) (E-1121)			
141.3560	am	(P-831) (E-1121)			
141.3600	am	(P-831) (E-1121)			
141.3640	am	(P-831) (E-1121)			
141.3720	am	(P-831) (E-1121)			
141.3800	am	(P-831) (E-1121)			
141.4240	am	(P-831) (E-1121)			
141.4360	am	(P-831) (E-1121)			
141.4520	am	(P-831) (E-1121)			
141.4560	am	(P-831) (E-1121)			
141.4680	am	(P-816)			
144.275	am	(P-870)			
147.5	am	(P-870)			
147.25	am	(P-870)			
147.50	am	(P-870)			
147.75	am	(P-870)			

**TITLE 92 (CONT'D)**

27.110	n	(P-15262/90; A-2796)
27.120	n	(P-15262/90; A-2796)
27.130	n	(P-15262/90; A-2796)
27.140	n	(P-15262/90; A-2796)
27.Ex.A	n	(P-15262/90; A-2796)
57.10	n	(P-15283/90; A-2817)
57.20	n	(P-15283/90; A-2817)
57.30	n	(P-15283/90; A-2817)
57.40	n	(P-15283/90; A-2817)
57.50	n	(P-15283/90; A-2817)
57.60	n	(P-15283/90; A-2817)
57.70	n	(P-15283/90; A-2817)
57.80	n	(P-15283/90; A-2817)
57.90	n	(P-15283/90; A-2817)
57.100	n	(P-15283/90; A-2817)
57.110	n	(P-15283/90; A-2817)
57.120	n	(P-15283/90; A-2817)
57.130	n	(P-15283/90; A-2817)
57.140	n	(P-15283/90; A-2817)
57.Ex.A	n	(P-15283/90; A-2817)
171.6	am	(P-1452)
171.1000	am	(P-1452)
172.2000	am	(P-1461)
173.3000	am	(P-1466)
177.2000	am	(P-1442)
178.2000	am	(P-1472)
179.2000	am	(P-1483)
180.2000	am	(P-1447)



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